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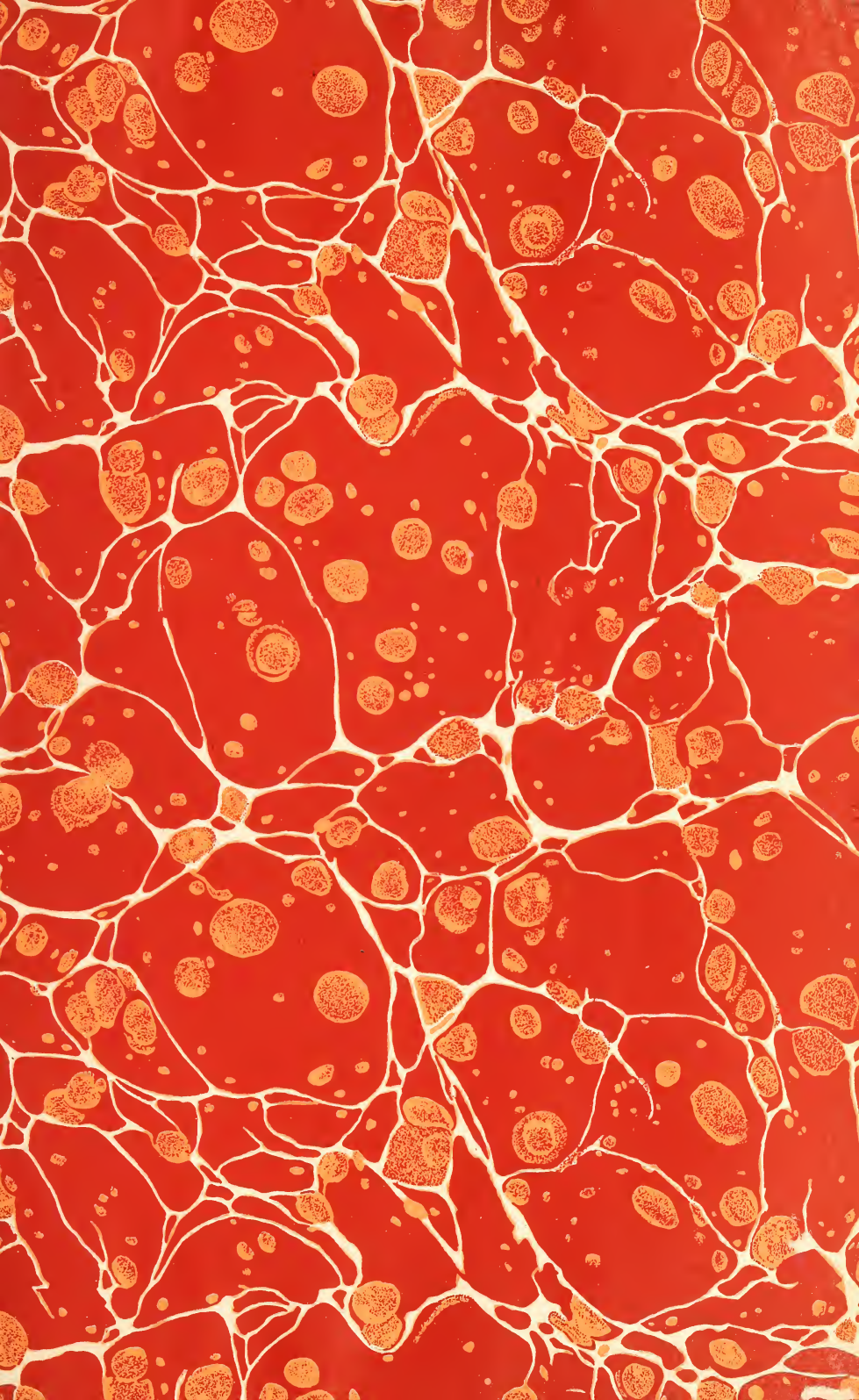


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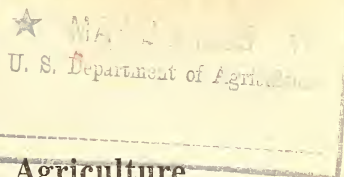








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# United States Department of Agriculture

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

23001-23025

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 19, 1935]

**23001. Misbranding of Lax-Aid. U. S. v. 31 Packages of Lax-Aid. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32999. Sample no. 67594-A.)**

This case involved a product, the labels of which represented that it was a food auxiliary and not a medicine, and that it would not irritate delicate tissues, aggravate ulcers and clog, causing intestinal impactions. Examination showed that it was composed of ground psyllium seed and was therefore a drug and a medicine; it would not be harmless, since it was capable of irritating the gastro-intestinal lining and producing impaction. The labels also bore unwarranted curative and therapeutic claims.

On June 25, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 packages of Lax-Aid at Newark, N. J., alleging that the article had been shipped in interstate commerce, on or about May 15, 1934, by Healthaids, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of ground plantago seeds.

The article was alleged to be misbranded in that the following statements in the labeling, were false and misleading: (Carton) "Free of Drugs \* \* \* Natural as the Food you Eat, \* \* \* Furnishes Smooth Bulk and Lubrication without Ruffage, \* \* \* Seed products, too, are dangerous. Clinical records indicate seeds as the cause of serious intestinal impactions. \* \* \* Lax-Aid is \* \* \* absolutely harmless"; (circular) "Lax-Aid is not a drug. It is not a medicine. \* \* \* Lax-Aid is a natural food auxiliary, \* \* \* Seed products won't do, either! For, very often, they irritate delicate tissues, aggravate ulcers and clog, causing intestinal impactions, \* \* \* Give Lax-Aid a fair trial \* \* \* Natural as the food you eat." Misbranding was alleged for the further reason that certain statements, regarding the curative or therapeutic effects of the article, borne on the carton and in the circular, falsely and fraudulently represented that it was effective in ending constipation naturally and in establishing regular bowel movements; effective in removing the cause of constipation, and thereby removing the cause of rheumatism, diseased tonsils, colitis, pyorrhea, heart trouble and "many other life taking diseases"; effective in exercising and strengthening the intestinal muscles; effective to "guarantee freedom from the evils of constipation"; and that it "constituted a corrective."

On August 11, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

M. L. Wilson, Acting Secretary of Agriculture.

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**23002. Adulteration and misbranding of whisky. U. S. v. 35 Cases of Whisky. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 33004. Sample no. 62228-A.)**

This case involved a product labeled "Whiskey For Medicinal Purposes", which failed to conform to the requirements of the United States Pharmacopoeia. The package failed to bear on its label a statement of the percentage of alcohol by volume.

On or about June 27, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 35 cases of whisky at Washington, D. C., alleging that the article had been shipped in interstate commerce, on or about February 21, 1934, by Jos. S. Finch & Co., from Schenley, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Blackstone Brand Whiskey A Blend."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement, "For Medicinal Purposes Only", borne on the label, was false and misleading, and for the further reason that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article.

On July 6, 1934, the International Distilling & Distributing Corporation, Washington, D. C., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant under a bond conditioned that it be relabeled to comply with the law.

*M. L. WILSON, Acting Secretary of Agriculture.*

**23003. Adulteration and misbranding of whisky. U. S. v. 12 Cases of Whisky. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 33005. Sample no. 62222-A.)**

This case involved a shipment of whisky, labeled "For Medicinal Purposes", which fell below the requirements of the United States Pharmacopoeia, and which failed to bear on the label a statement of the percentage of alcohol by volume.

On June 27, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 12 cases of whisky at Washington, D. C., alleging that the article had been shipped in interstate commerce, on or about March 14, 1934, by the Valley Distilleries, from Louisville, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "Bourbon Prince Whiskey \* \* \* Valley Distilleries, Henderson Kentucky"; (internal revenue stamp) "Brown-Forman Distillery Co., Louisville, Kentucky."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation and its own standard was not stated on the label.

Misbranding was alleged in that the statement on the label, "For Medicinal Purposes Only", was false and misleading, and in that the packages failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article.

On July 20, 1934, judgment of condemnation and forfeiture was entered, and the court ordered the product released to the claimant, the Potomac Sales Co., Inc., Washington, D. C., under a bond conditioned that it be relabeled in conformity with the law.

*M. L. WILSON, Acting Secretary of Agriculture.*



**23004. Misbranding of Dr. Lindsey's Improved Blood Searcher and Medical Discovery, Chamberlain's Cough Remedy, Sal-Fruitol, Gordon's Three Sevens (777), Dr. Duffy's Anti-Bilious Pills, K-W Syrup of Tar and Horehound Compound, Breeden's Rheumatic Compound, Byrd's Vapor Salve, and Pe-Ru-Na Tablets.** U. S. v. 20 Bottles of Dr. Lindsey's Improved Blood Searcher and Medical Discovery, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33006. Sample nos. 70301-A to 70308-A, incl., 70310-A to 70312-A, incl.)

This case involved various drug preparations, the labels of which bore unwarranted curative and therapeutic claims. The Lindsey's Improved Blood Searcher and Medical Discovery was represented to be a vegetable compound and to be harmless; whereas it contained ingredients not of vegetable origin, and it might be harmful. The Sal-Fruitol was represented to be composed of ingredients derived from fruit, whereas it contained substances not derived from fruit.

On June 28, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of various drug preparations at New York, N. Y., alleging that the articles had been shipped in interstate commerce, at some time or times in April 1934, by Gilbert Bros. & Co., from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Dr. Lindsey's Improved Blood Searcher and Medical Discovery \* \* \* W. J. Gilmore Drug Co. \* \* \* Pittsburgh, Penn.;" "Chamberlain's Cough Remedy \* \* \* Chamberlain Medicine Co., Des Moines, Iowa;" "Sal-Fruitol \* \* \* The Sal-Fruitol Company, Baltimore, Maryland;" "Gordon's Three Sevens (777) \* \* \* Porjas Chemical Company, Wilmington, N. C.;" "Pe-Ru-Na Tablets \* \* \* The Pe-Ru-Na Company, Columbus, Ohio;" "Dr. Duffy's Anti-Bilious Pills \* \* \* The F. S. Duffy Medicine Company, New Bern, N. C.;" "K-W Syrup of Tar and Horehound Compound \* \* \* Morris Drug Co. \* \* \* York, Penna.;" "Breeden's Rheumatic Compound \* \* \* Breeden Drug Co., Inc., Memphis, Tenn." "Byrd's Vapor Salve \* \* \* Blue Ridge Chemical Corporation, Rocky Mount, Va."

Analyses showed that the Lindsey's Improved Blood Searcher and Medical Discovery consisted essentially of extracts of plant drugs, salicylic acid (0.1 percent), alcohol (10 percent), and water; that the Chamberlain's Cough Remedy consisted essentially of ammonium chloride (2 grains per fluid ounce), extracts of plant drugs, sodium benzoate (4 grains per fluid ounce), sugar, and water; that the Sal-Fruitol consisted essentially of Epsom salt, tartaric acid, sodium bicarbonate, and caffeine (1 per cent), flavored with lemon oil; that the Gordon's Three Sevens consisted essentially of Epsom salt (59 g per 100 ml), iron chloride (0.8 g per 100 ml), quinine (0.15 g per 100 ml), and water; that the Pe-Ru-Na Tablets consisted essentially of extracts of plant drugs and compounds of iron, calcium, and phosphorus, including a carbonate; that the Dr. Duffy's Anti-Bilious Pills consisted essentially of extracts of plant drugs including rhubarb and aloe, magnesium oxide and small proportions of calcium and sodium compounds; that the K-W Syrup of Tar and Horehound consisted essentially of tar, extracts of plant drugs, chloroform, alcohol (4.8 percent), and water; that the Breeden's Rheumatic Compound consisted essentially of potassium iodide (1.5 g per 100 ml), extracts of plant drugs including colchicum, alcohol, and water; that the Byrd's Vapor Salve consisted essentially of volatile oils including camphor, menthol, and cassia oil incorporated in an ointment base consisting of a large proportion of petrolatum and a small proportion of fat.

The libel alleged that Dr. Lindsey's Improved Blood Searcher and Medical Discovery and the Sal-Fruitol were misbranded in that the following statements on the cartons were false and misleading: (Dr. Lindsey's Improved Blood Searcher and Medical Discovery) "Guaranteed \* \* \* under the Food and Drugs Act, June 30, 1906, Guaranty No. 1560 \* \* \* This remedy is a Vegetable Compound, and cannot harm the most tender infant"; (Sal-Fruitol) "Sal-Fruitol \* \* \* The Sal-Fruitol Company \* \* \* Sal-Fruitol is prepared with a pure fruit acid base. It retains to a remarkable extent the freshness and natural laxative action of the ripe succulent fruit \* \* \* When you think of Sal-Fruitol think of the vineyards of California, of the Lemon groves of Messina and Florida and the Lime trees of Sicily and the tropics. All contribute to make Sal-Fruitol 'the laxative with the pleasant taste.'"

Misbranding of all products was alleged for the reason that the following statements in the labelings, regarding their curative and therapeutic effects,

were false and fraudulent: (Dr. Lindsey's Improved Blood Searcher and Medical Discovery, carton) "Give me the Blood Searcher It Saved others, it will save me. \* \* \* 'Blood Searcher' \* \* \* True and Original Purifier of the Blood \* \* \* Ladies who suffer from debilitating diseases will find speedy relief by using this remedy. \* \* \* Ladies desiring to get rid of Blotches and Flesh worms (Black Heads) from the face, neck, shoulders and arms, should not fail to use This article, as it softens and whitens the skin and brings back the Bloom of Youth, renewed vigor and a longer lease of Life. It is the Great Life-Giving Power and Relief For Malaria, Scrofula, Erysipelas, Tetters, Pimples. Fever and Ague, Cancer, Salt Rheum, Boils, Ulcers, Sore Eyes, Dyspepsia \* \* \* Piles, Nervousness, Rheumatism, Indigestion, Biliousness, Weakness, Loss of Appetite, Mercurial, and all Blood Diseases [very similar statements appearing on the bottle label and circular]"; (Chamberlain's Cough Remedy, carton) "Cough \* \* \* For the Relief of Coughs, \* \* \* Spasmodic Croup, Whooping Cough, Hoarseness Bronchial Coughs \* \* \* for Coughs, \* \* \* Spasmodic Croup and Whooping Cough \* \* \* Cough \* \* \* [very similar statements also being made on the carton in foreign languages, and generally similar statements being made in English and foreign languages in the circular]"; (Sal Fruitol, 35-cent and 60-cent sizes, carton) "Eliminant \* \* \* for disorders of the stomach and liver, chronic constipation, nausea, and in gout and rheumatism. Recommended by dentists for pyorrhea. \* \* \* for \* \* \* kidney affections and kindred disorders. \* \* \* for Indigestion, Nausea and periodic, habitual and acute constipation. Relieves Congestion of the Intestines and Kidneys, Hepatic and Intestinal Torpor. Promotes the elimination of Uric Acid and is indicated in Uric Acid, Gouty and Rheumatic Diatheses. In Acute Febrile Conditions \* \* \* Useful as an eliminant of metabolic poisons in Rheumatic Gout and Uremia. Esteemed as an evacuant in Dropsical Effusions. Recommended by dentists for Pyorrhea [similar statements appearing on the label and circular]"; (Gordon's Three Sevens (777), bottle label) "Malaria, Chills and Fevers La Grippe and Indigestion \* \* \* can be taken while fever is on. \* \* \* For Fevers, \* \* \* and Grippe \* \* \* Indigestion [similar statements appearing upon the circular]"; (Pe-Ru-Na Tablets, tin label) "For Coughs \* \* \* Catarrhal Diseases and Where a Tonic Is Desired \* \* \* In ordinary cases of chronic catarrh of any organ, \* \* \* In coughs, \* \* \* or acute congestions of the head, throat or lungs, it is recommended to take one tablet every hour or two until coughing ceases. \* \* \* for catarrhal conditions and such cases where a convalescent requires a tonic"; (Dr. Duffy's Anti-Bilious Pills, label, envelope) "Anti-Bilious \* \* \* in actual attacks of the liver and in early stages of bilious fever"; (circular) "Waste products are not eliminated thoroughly nor thrown off but remain in the system, poisoning the blood and causing Biliousness, Rheumatism, Autointoxication, Kidney Trouble \* \* \* Sick Headache, Malaria, Neuralgia, Liver Complaints and other kindred ills"; (K-W Syrup of Tar and Horehound Compound, carton) "Coughs, \* \* \* and various affections of the Throat, Chest, and Lungs For Croup, Shortness of Breath and All Affections of the Throat and Lungs For Coughs, \* \* \* Whooping Cough, Sore Throat, Hoarseness, Inflammation of the Lungs, Asthma [very similar statements appearing on the circular and bottle label]"; (Breedon's Rheumatic Compound, carton) "Rheumatic \* \* \* Rheumatism \* \* \* [very similar statements appearing on the bottle label and circular]"; (Byrd's Vapor Salve, carton) "In Treatment of Lumbago \* \* \* Rheumatism \* \* \* Backache \* \* \* Neuritis Stiff Neck Stiff Joints Sciatica Muscular Contractions Bronchitis Tonsillitis Piles \* \* \* For Coughs, \* \* \* Croup, Catarrh, Pneumonia Symptoms and all forms of Congestion, Inflammation etc. Cuts \* \* \* Sore Joints, \* \* \* Sore Throat, etc. [very similar statements appearing on the jar label]."

On July 16, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the products was ordered.

M. L. WILSON, Acting Secretary of Agriculture.

**23005. Misbranding of extract of witch hazel. U. S. v. 143 Bottles of Extract of Witch Hazel. Default decree of condemnation and forfeiture. Product delivered to charitable organizations. (F. & D. no. 33042. Sample no. 70562-A.)**

This case involved a shipment of witch hazel which was labeled with unwarranted curative and therapeutic claims. It also was claimed for the article that it was a pharmacopoeial product, whereas extract of witch hazel is not recognized in the United States Pharmacopoeia.



On July 7, 1934, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 143 bottles of extract of witch hazel at Albany, N. Y., alleging that the article had been shipped in interstate commerce, on or about May 1, 1934, by the Good Products Co., from Bridgeport, Conn., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged that the article was misbranded in that the statement on the label, "U. S. P. Double Distilled", was false and misleading. Misbranding was alleged for the further reason that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Bottle) "Cuts, Lacerations, Swelled Face, \* \* \* Ulcers, Sore Throat, Rheumatic Pain, \* \* \* Etc. \* \* \* In case of ulcers and sores, dilute the extract."

On August 11, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and the product was ordered delivered to charitable organizations.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23006. Adulteration and misbranding of benzoinated lard and aromatic spirit of ammonia. U. S. v. 299 Jars of Benzoinated Lard, U. S. P., et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 33044, 33045. Sample nos. 76401-A, 76402-A.)**

These cases involved products represented to be of pharmacopoeial standard, but which fell below the requirements of the United States Pharmacopoeia.

On or about July 6, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 299 jars of benzoinated lard and 99 bottles of aromatic spirit of ammonia at Perry Point, Md., alleging that the articles had been shipped in interstate commerce, on or about June 5, 1934, by James Good, Inc., from Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled, "U. S. P."

Analyses showed that the benzoinated lard had been overcooked in manufacture and that the aromatic spirit of ammonia contained less ammonia than the pharmacopoeial requirement.

The articles were alleged to be adulterated in that they were sold under names recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation and their own standard was not stated on the labels. Adulteration was further alleged in that the strength and purity of the articles fell below the professed standard and quality under which they were sold.

Misbranding was alleged in that the statements on the labels, "Benzoinated Lard U. S. P." and "Aromatic Spirit of Ammonia U. S. P.", were false and misleading.

On August 14, 1934, no claimant having appeared, judgments of condemnation and forfeiture were entered, and destruction of the products was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23007. Misbranding of Willard's Tablets. U. S. v. 6 Dozen Packages of Willard's Tablets. Default decree of condemnation and destruction. (F. & D. no. 33049. Sample no. 60924-A.)**

This case involved a drug preparation, the labels of which bore unwarranted curative and therapeutic claims.

On July 5, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6 dozen packages of Willard's Tablets at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce, on or about March 31, 1934, by the Willard Tablet Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article contained approximately 0.6 gram each of sodium bicarbonate, bismuth subnitrate, and magnesium oxide per tablet.

The article was alleged to be misbranded in that certain statements on the carton and bottle label and in a circular shipped with the article, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective to neutralize gastric hyperacidity and relieve the symptoms that are due thereto; effective as a treatment for occasional stomach distress re-



sulting from overindulgence in either food or drink; effective in such conditions attributable to excess acid as stomach distress, poor digestion, acid dyspepsia, upset stomach, sleeplessness, and jaded appetite; and effective in the treatment of stomach or duodenal ulcer (peptic ulcer).

On or about September 19, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**2300S. Adulteration and misbranding of Paracelsus. U. S. v. 45 Cans and 99 Cans of Paracelsus. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33059. Sample nos. 67590-A, 67591-A.)**

This case involved a product sold as a source of mineral salts. Comparison of the listed ingredients with those found on analysis showed deficiency in certain minerals, excess in others, and minerals present that were not listed. The article consisted chiefly of common table salt and contained ingredients that might be deleterious, although a booklet used as collateral advertising represented that it contained no common salt and the carton of the large size and the said booklet represented that it was safe and harmless. The label of the large packages bore unwarranted curative claims.

On July 9, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 small cans and 99 large cans of Paracelsus at New York, N. Y., alleging that the article had been shipped in interstate commerce, in part on or about February 27, 1934, and in part on or about April 4, 1934, by the American Biochemical Corporation, from Cleveland, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the article consisted chiefly of sodium chloride (table salt) with smaller proportions of compounds of potassium and other metals, including phosphate, sulphate, and carbonate. Samples taken from the two sizes were found to contain in combination the following proportions of the element mentioned: Calcium (1.46 percent, 1.44 percent), carbon (0.54 percent, 0.44 percent), chlorine (21.9 percent, 22.4 percent), fluorine (0.04 percent, 0.04 percent), iron (0.05 percent, 0.06 percent), iodine (0.08 percent, 0.09 percent), magnesium (0.52 percent, 0.55 percent), manganese (0.03 percent, 0.03 percent), phosphates, calculated as phosphorus pentoxide (11.08 percent, 10.8 percent), potassium (8.4 percent, 8.5 percent), silicon (0.23 percent, 0.22 percent), sodium (22.6 percent, 21.6 percent), and sulphur (4.9 percent, 4.9 percent).

It was alleged that the article was adulterated under the provisions of the law applicable to drugs, in that its strength fell below the professed standard under which it was sold, namely, (carton) "Paracelsus \* \* \* contains the following elements in combination. Calcium 2.80%, Carbon .63%, Chlorine 17.72% \* \* \* Iron .40% \* \* \* Magnesium .27% \* \* \* Phosphates 8.17%, Potassium 9.71% \* \* \* Sodium 18.94%, Sulphur 2.26%", (booklet, a supply of which was furnished the consignee by the consignor) "Do not confuse the term 'mineral Salts' with 'common table salt.' Paracelsus does not contain any 'common table salt.' \* \* \* There are no harmful \* \* \* drugs contained in this compound, and it is perfectly safe for both children and adults. Paracelsus contains no harmful drugs \* \* \* It is one of the few Absolutely Safe tonics available", since the article was composed largely of sodium chloride, which is common table salt, and it contained an iodide and a fluoride, all of which may be harmful to health and not safe for either children or adults.

Adulteration was alleged under the provisions of the law applicable to food in that the article contained added deleterious ingredients, namely, sodium chloride, an iodide, and a fluoride, which might have rendered it injurious to health.

Misbranding was alleged under the general paragraph applicable to foods and drugs in that the following statements on the cartons were false and misleading, since the article did not have the composition claimed for it: (Carton) "Paracelsus \* \* \* contains the following elements in combination. Calcium 2.80% Carbon .63% Chlorine 17.72% \* \* \* Iron .40% \* \* \* Magnesium .27% \* \* \* Phosphates 8.17% Potassium 9.71% \* \* \* Sodium 18.94% Sulphur 2.26%"; and in that the statement on the large carton, "The formula is compounded in the most approved and modern manner \* \* \* and contains no harmful ingredients", was false and misleading, since the article

contained ingredients which might affect adversely the health of the consumer, and the incorporation in a food product would not be approved by authorities in dietetics.

Misbranding was alleged under the provisions of the law applicable to drugs in that the statement on the carton of the large size, "The formula is compounded in the most approved and modern manner to facilitate assimilation", was false and fraudulent.

On July 31, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23009. Misbranding of Murray's Salve. U. S. v. 30 Jars of Murray's Salve. Default decree of condemnation and destruction. (F. & D. no. 33060. Sample no. 50646-A.)**

This case involved a drug product which was labeled with unwarranted therapeutic claims.

On July 11, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 jars of Murray's Salve at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about December 18, 1931, by the Where Laboratories, from Connersville, Ind., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of wool fat, coal tar, charcoal, and water.

It was alleged in the libel that the article was misbranded in that the statements on the circular, "Blood Poisoned Sores. \* \* \* Boils, Carbuncles, Rusty Nail Incision, Pimples \* \* \* Itch, Eczema \* \* \* Tetter, Acne, Swollen Joints \* \* \* All Cuts, Piles, Gangrene, Bone Ulcers, All Infected Sores \* \* \* Pyorrhea, Toothache, Wens. \* \* \* Erysipelas, Felons \* \* \* Pyorrhea—Rub on Gums. Rheumatism—Bind on Joints. \* \* \* Sore Throat", regarding its curative and therapeutic effects, were false and fraudulent.

On August 23, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23010. Misbranding of Dakota Jack's Cowboy Liniment. U. S. v. 54 Bottles of Dakota Jack's Cowboy Liniment. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33061. Sample no. 26848-A.)**

This case involved a drug product which was labeled with unwarranted therapeutic claims. It also was claimed for the article that it was composed of roots and herbs, whereas it was not.

On July 11, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 54 bottles of Dakota Jack's Cowboy Liniment at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce, on or about March 27, 1933, by the Dakota Jack-White-Moon Remedy Co., from Louisville, Ky., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of a volatile oil, such as turpentine oil, ammonia (1 percent), chloroform, linseed oil, and water.

It was alleged in the libel that the article was misbranded in that the statement in the circular, "All my Remedies are made with pure, sweet, fresh Roots and Herbs", was false and misleading. Misbranding was alleged for the further reason that the following statements regarding its curative and therapeutic effects were false and fraudulent: (Carton) "To be used externally for pain \* \* \* For Pain \* \* \* Relieves Lame Back but if you have constant backache your kidneys are out of order"; (circular) "An instant relief from pain \* \* \* deafness, \* \* \* toothache, earache, \* \* \* and rheumatic pains. \* \* \* For Toothache—Rub gums freely with liniment and put some in tooth. \* \* \* For Rheumatism—Rub parts affected hard and fast and keep rubbing until relieved. But if you have rheumatism use in connection with our Cheyenne Indian Rheumatism Remedy. \* \* \* For Croup and Sore Throat \* \* \* For Lame or Weak Back—Rub in all the liniment that will penetrate, then bake well by the fire, then rub again. If this don't stop it use Kidney and Bladder Remedy No. 2, for kidney troubles.



\* \* \* For Deafness \* \* \* Directions for Diseases Among Horses For Sweeney—Apply all the Liniment that you can, iron in with a hot smoothing iron. If this does not cure, stick your knife to the bone two or three times; apply the Liniment freely. For Fistula \* \* \* For Spavin—It does not take off the knots in every case, but stops it from growing and prevents lameness."

On August 23, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23011. Adulteration and misbranding of Molle. U. S. v. 18 Dozen Tubes and 19 Dozen Jars of Molle. Default decree of destruction.** (F. & D. no. 33066. Sample nos. 41441-A, 41442-A.)

This case involved a product labeled with unwarranted antiseptic claims.

On July 11, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 dozen tubes and 19 dozen jars of Molle at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, on or about March 20, 1934, by the Cummer Products Co., from Bedford, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Bacteriological tests showed that the article failed to kill a culture of *Staphylococcus aureus* in 30 minutes at body temperature.

The article was alleged to be adulterated in that its strength fell below the professed standard under which it was sold (carton of jar, label on tube, and circular accompanying both jar and tube) "Antiseptic."

Misbranding was alleged in that the statement "Antiseptic" was false and misleading.

On October 15, 1934, no claimant having appeared, judgment ordering destruction was entered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23012. Misbranding of Parmint. U. S. v. 176 Bottles and 28 Bottles of Parmint. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. nos. 32871, 33081. Sample nos. 65644-A, 70655-A.)

These cases involved a drug preparation, the labeling of which bore unwarranted curative and therapeutic claims.

On June 19, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 176 bottles of Parmint at Chicago, Ill. On July 16, 1934, a libel was filed in the Middle District of Pennsylvania against 28 bottles of Parmint at Scranton, Pa. It was alleged in the libels that the article had been shipped in interstate commerce, in part on or about February 19, 1934, and in part on or about March 19, 1934, by Parmint, Inc., from Binghamton, N. Y., into the States of Illinois and Pennsylvania, respectively, and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Circular) "Parmint, Inc. Binghamton, New York."

Analysis showed that the article consisted essentially of iron and ammonium citrate (14.6 grams per 100 milliliters), ammonium chloride (11.9 grams per 100 milliliters), extracts of plant drugs including a pungent drug such as licorice and red pepper or ginger, and flavoring oils such as orange oil, peppermint oil, and methyl salicylate.

The libels alleged that the article was misbranded in that the following statements regarding its curative or therapeutic effects, appearing in a circular shipped with the article, were false and fraudulent: "A Symptom and Its Location in the Body Mucus secretion is a symptom; not a disease in itself. All mucous surfaces may be affected. (Most often it is those of the air passages, either the nose and throat or the bronchial tubes.) Nose and throat cases are the most frequent and are commonly called Colds. When the bronchial tubes are affected, the most used name is Bronchitis. When the condition is constant the patient suffers from coughing, sneezing and other irritations which make the victim of the trouble think these symptoms are a disease in themselves. Less often the lining membranes of the stomach and intestines and of the glandular ducts leading into the latter, may be similarly affected. Irritated conditions may be restricted to one pronounced location in the body, or they may be general. What the Symptom is This discharge as usually referred to, is the result of chronic irritation of the mucous membranes of a part, caused by a systemic condition of the body which permits it to remain in action and



become chronic in the part affected. Sometimes it is noticeable by free secretion—as a running nose. Sometimes it is of a dry nature and scales form in the nostrils or back air passages of the head. When the throat and bronchial tubes are affected, coughing and spitting, sometimes in serious effort to clear the passages of the sticky mucus, is more or less always present, and is especially necessary in the morning after a night's rest. In the digestive tract with its associated organs, this chronic condition expresses itself in many ways. The gall ducts are often affected and the mucous membranes lining the larger bowel often suffer from it. Irritation of the mucous lining of the stomach is not at all infrequent. The Nature of the Mucus Secretion When not serious enough to call for the expert services of a specialist, the common cases of chronic irritation of the mucosa, especially those of the air passages, put forth a secretion that is mainly mucus. When germ life is present in the mucous membranes, the secretions may be what are called muco-purulent; that is, much mucus is caused by these organisms—this being as we all know the result of presence of a certain type of bacteria. It is self evident that if this factor were truly dangerous in an acute way, the patient would be sick enough to call a doctor and be under a doctor's care. This leaflet, however, and the prescription it recommends are aimed at such ever-prevalent conditions as are prescribed and with which such a great percentage of humanity suffers. It is those cases which prefer not to consult a doctor, and which usually would go without any treatment at all, that this treatment will particularly appeal to. The Nature of the Treatment Recognizing that so-called irritation of the mucosa is a symptom due to a systemic condition, the prescription offered is systemic in its effect. Local sprays or other applications may be used with it without interference in any way. Insofar as there may be presence of some organisms in the secretion, it is well to say that local applications seldom reach the seat of the trouble, except as they may be on the surfaces of the affected membrane; hence the failure of many sprays and other local applications. Healthy Blood Is the Best Healing Agent The best method to treat such conditions is by way of the blood, as blood is in itself Nature's own best healing agent. And whether the secretion be caused by a slight irritation or a greater irritation, this chronic condition is best treated with remedies which are tonic in action and give an alterative effect with the slightly laxative action so necessary in the treatment of all such conditions. Three Ways to Relief Are Here Combined The elements which form the prescription are, therefore, of three main classes. One is medically termed "expectorant," in that by causing greater secretion in the parts, it stimulates the action of the membrane. Another seeks by approved medical means to eliminate irritants from the body, presence of which always causes sluggish action. The remedies of the second class are called "alteratives." The third class is of a "tonic" nature, acting as a stimulant in a slow and definite manner, to those parts of the body upon which it acts, so that the body may be in prime condition possible to fight and throw out these irritations or secretions. So far as the medical profession knows, this is the one and only way to combat this condition. It is generally conceded that by such means alone can it be remedied and the sorry part of it is, as far as the general public is concerned, rarely are such scientific and common sense methods employed. It is because of these very facts that once such treatment is employed, so many sufferers who have failed to get relief by other means, experience relief by this. And fortunately such relief cannot be laid to any imaginative cause because mucus discharge is so evident that there is no chance of persons being fooled into belief that they are better when they are not better. Parment represents a home remedy for which there is great human need. It is practically alone upon the market in providing countless numbers with a safe, pleasant and efficient means of relieving conditions which cause humanity much distress and annoyance. How Much Parment Do You Need? We often receive letters from people asking how many bottles of Parment they should take. This is a question that cannot be answered as it is impossible to place an estimate upon the number of bottles that would be required in any given case as medicine does not always act alike upon all persons. Some people will respond to the action of a certain medicine much quicker than others. If it does not benefit you, we do not want you to continue using it; if it does benefit you we feel that you owe it to yourself to be fair and conscientious in its use. Parment is an honest formula and it is carefully compounded from ingredients of standard quality. Directions For Making Empty contents of the bottle of Parment in a  $\frac{1}{2}$  pint bottle—then fill up the  $\frac{1}{2}$  pint bottle with sugar syrup

and shake well. To prepare the sugar syrup take 5½ ounces of granulated sugar and add to it 4 ounces of hot water (not boiling). Stir well until the sugar is dissolved. When cold add to the Parmit. Directions For Taking Children from 10 to 15 years old—1 teaspoonful. Adults 1 tablespoonful. To be taken four times a day. A dose after each of the three principal meals and one at night before retiring. Diet Suggestions Certain foods predispose to catarrh. Starches and sugars eaten in too great quantity are bound to aggravate the condition. That is because so many foods eaten today are so processed that many of the valuable mineral elements they contain are no longer in the food when eaten. Chief among these mineral elements which the body needs to sustain itself against the attacks of catarrh and other diseases are calcium and phosphorus. Modern diet is apt to be particularly weak in its calcium content—and lack of calcium in the system opens the door to easier attack from catarrhal conditions. Besides that, there is a constant calcium waste in cases of catarrh further depleting body resistance. This shows the great need of calcium replenishment through whole grain foods, green vegetables, fruit juices milk and other sources of calcium supply. Green vegetables are better than root vegetables because in preparing the latter the skins which contain most of the mineral elements, are done away with in cooking. When it comes to cereals, whole wheat products should be used in preference to those made from white bread flour. Because, even when there is a plentiful supply of mineral salts taken in the food, the body does not avail itself of the calcium if too much common salt is used in seasoning; those who are in the habit of eating highly salted foods should decrease the quantity of salt used materially. For similar reason, salted and smoked meats should be limited. Fresh meats may be eaten in abundance. Likewise eggs, and milk of course is preferable to tea and coffee. The idea here is not to put the patient on a diet. The suggestions are offered as aids to improving the high effectiveness of Parmit and a reasonable following of the diet hints here given, is bound to help materially. Parmit Inc. Binghamton, New York, U. S. A."

On August 14 and August 15, 1934, no claimant having appeared, judgments of condemnation and forfeiture were entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23013. Misbranding of Byron Herb Tablets. U. S. v. 32 Large Cartons and 32 Small Cartons of Byron Herb Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33085. Sample no. 71822-A.)**

This case involved a drug product which was labeled with unwarranted therapeutic claims. It also was claimed for the article that it contained no injurious drugs, whereas it did contain drugs that might be injurious.

On July 16, 1934, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 64 cartons of Byron Herb Tablets at Portland, Maine, alleging that the article had been shipped in interstate commerce, on or about April 20, 1934, by the Byron Herb Co., from Worcester, Mass., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Byron Herb Tablets \* \* \* Byron Herb Co. \* \* \* Worcester, Mass., Any druggist anywhere can get them from Brewer & Co., and Eastern Drug Co., Wholesale Druggists."

Analysis showed that the article consisted essentially of extracts of plant drugs including aloe, podophyllum, and red pepper.

The article was alleged to be misbranded in that the statement, "This Medicine is sold under a positive guarantee that it does not contain any injurious drug", was false and misleading. Misbranding was further alleged in that the following statements in the labeling, regarding its curative or therapeutic effects, were false and fraudulent: (Carton) "General Tonic and System Purifiers \* \* \* But it does contain a tested, proven and effective combination of medicines that renovate, improve and invigorate the organs of digestion, nutrition and elimination, producing prompt and pleasing benefits when taken as directed. These Tablets are highly recommended for \* \* \* Biliousness, Headache, Liver, Kidney, Bladder and Bowel Troubles, Lame Back. \* \* \* Rheumatism, Etc. Tones up the system, promotes nutrition, increased vigor, and better digestion and assimilation of food"; (circular) "For Your Health Male and Female Bodily Function activators General Tonic. Blood and System Vitalizers for \* \* \* Headache, Nervousness, Lame Back. Biliousness \* \* \* Rheumatism. System Purifiers."



On August 22, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. Wilson, *Acting Secretary of Agriculture.*

**23014. Misbranding of Regalsu. U. S. v. 10 Packages and 3 Packages of Regalsu. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33095. Sample no. 64677-A.)**

This case involved a drug preparation, the labeling of which bore unwarranted curative and therapeutic representations. The labeling was further objectionable since the claim was made that the article was harmless, whereas the continued use of a product of the type is capable of producing harmful effects, and since analysis showed that the composition differed from that claimed.

On July 19, 1934, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 small packages and 3 medium packages of Regalsu at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce, on or about March 5, 1934, by the Regalsu Chemical Co., from Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of phenolphthalein (1 grain per fluid drachm), salts of bile acids, salicylic acid, and a fatty acid, glycerin, alcohol (24.8 percent), and water.

The article was alleged to be misbranded in that the statement on the bottle label, carton wrapper, and circular, "A remarkable combination of oleates, choleates, bile salts and aromatics", and the statement in the circular, "Regalsu is a harmless remedy", were false and misleading, since the composition of the article differed from that claimed, and since continued use of a product of that type is capable of producing harmful effects. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Bottle label and carton wrapper) "Regalsu Relieves Gall Suffering \* \* \* Indicated in Treatment of Biliary Insufficiency, Cholangitis, Cholecystitis and Attending Gall Bladder and Gallstone Disorders"; (circular) "Regalsu Relieves Gall Suffering \* \* \* This Combination Has Been Very Successfully Used By Physicians in treatment of Stomach Disorders (due to Biliary Insufficiency), Cholangitis, Bile Duct Irritations, and attending Gall Bladder and Gall Stone Disorders. \* \* \* Regalsu has been very successfully employed in treatment of torpid Liver, congested Gall Bladder or Ducts, poor circulation of Bile (Gall) secretion, or unhealthy, poisonous Bile in the system (whether gallstones are present or not). Also in Gall Bladder and Gall Duct infections. Often in this class of cases mucus collects in the intestine and the orifice of the bile duct is wholly or partly blocked. This interferes with the free flow of bile which is an important factor in the prevention of intestinal putrefaction, auto-toxemia and allied disorders. \* \* \* stimulating the Liver \* \* \* an excellent treatment of such cases. Liver Inactivity And Chronic Constipation In treatment of Chronic Constipation, due to lack of bile, Regalsu has rendered excellent service when used in proper dosage and continued sufficiently long to establish beneficial effect. The object is not so much to empty the bowel promptly as it is to bring about re-establishment of more nearly normal bowel functions. \* \* \* Cholangitis and Cholecystitis if allowed to persist, are predisposing causes of gall stone formation. In those cases of Cholangitis and Cholecystitis, where the physician seeks to \* \* \* allay intestinal putrefaction, to remove mucus, \* \* \* the use of Regalsu is an effective treatment. Gall Stones And Gall Bladder In the more advanced cases of Gall Stone and Gall Bladder disorders, where removal by operation or drainage may be indicated, Regalsu has been found to be a most effective and rational treatment, often eliminating the necessity of the operation by restoring the normal functions. If operation is after this treatment found necessary the patient will be in much better general condition to undergo the strain. \* \* \* Should the patient have distress or pain from indigestion, \* \* \* etc., especially after eating, it is advisable to prepare a dose and take it as required. \* \* \* Proper bowel movement is essential to success. \* \* \* where a chronic constipated condition exists, cathartic will be helpful. \* \* \* In some instances as the Liver and Gall start to function properly, the expelling of unhealthy bile in the stomach, may cause a slight nauseated stomach for a time or two. If this occurs, discontinue the treatment for a day or so and



then continue as before when this trouble should have disappeared. \* \* \* about 3 months continued treatment is usually necessary for permanent results."

On August 29, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23015. Misbranding of Alberty's Calcatine. U. S. v. 40 Dozen Packages and 30 Dozen Bottles of Alberty's Calcatine. Decrees of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. nos. 33107, 33273. Sample nos. 69241-A, 2608-B.)

These cases involved shipments of Alberty's Calcatine, the labels of which contained unwarranted curative and therapeutic claims.

On July 23, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 dozen packages of Alberty's Calcatine at Philadelphia, Pa. On or about August 24, 1934, a libel was filed in the Northern District of Illinois, against 30 dozen bottles of Alberty's Calcatine at Chicago, Ill. It was alleged in the libels that the article had been shipped in interstate commerce, in part on or about September 26, 1933, by the Alberty Food Laboratories, and in part on or about January 27 and February 17, 1934, by U. S. Okey (a fictitious name used by the Alberty Food Laboratories), from Hollywood, Calif., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of milk sugar and small proportions of compounds of calcium and phosphorus. The total ash (inorganic material) yielded by the tablets was 0.04 milligram each.

The article was alleged to be misbranded in that the statements on the label, "Alberty's Calcatine Calcium elements combined in an organic form. \* \* \* conditions growing out of lack of calcium in system", were false and fraudulent, since they created the impression that the article would supply the calcium needed in calcium-deficient conditions, when, as a matter of fact, the calcium furnished by the tablets, when taken in accordance with directions appearing on the label, viz: "Take 3 pellets every 2 hours for first 30 days then 3 pellets before meals", would be essentially inconsequential.

On October 11 and October 29, 1934, Thomas Martindale & Co., Philadelphia, Pa., and Adah Alberty, trading as Alberty's Food Laboratories, Hollywood, Calif., having appeared as claimants for the respective lots, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimants upon payment of costs and the execution of good and sufficient bonds, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23016. Adulteration and misbranding of Alberty's German Herb Lax-Tonic. U. S. v. 9 Cartons, et al., of Alberty's German Herb Lax-Tonic. Decrees of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. nos. 33108, 33274. Sample nos. 69242-A, 2609-B, 2612-B.)

These cases involved shipments of a drug preparation, the labeling of which bore unwarranted curative and therapeutic claims. The labeling was further objectionable since it contained false and misleading representations that the product was of German origin and that it was safe, noninjurious, and harmless; and since it was not composed of the ingredients listed in the alleged formula.

On July 23, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 7 dozen boxes of Alberty's German Herb Lax-Tonic at Philadelphia, Pa. On or about August 24, 1934, a libel was filed in the Northern District of Illinois against 9 cartons and 12 dozen cartons of the same product at Chicago, Ill. It was alleged in the libels that the article had been shipped in interstate commerce, from Hollywood, Calif., in part on or about September 26, 1933, by the Alberty Food Laboratories, into the State of Illinois, and in part on or about December 16, 1933, and February 17, 1934, by U. S. Okey, into the State of Pennsylvania, and that it was misbranded, and a portion was adulterated in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of anise, fennel, senna, althea, licorice, frangula, dog grass, equisetum, yarrow, and elder flowers.

The libel filed in the Northern District of Illinois charged that the article was adulterated in that its strength and purity fell below the professed standard or quality under which it was sold: (Booklet) "Our Formula is Composed of Elder Flowers, Ononis Root, Buchu leaves, guaiac wood, shave Grass, Yarrow, Althea Leaves, Buckthorn, Uva Ursi Leaves, Dog Grass, Nettle Leaves, Licorice Root, Peppermint, Sassafras Bark, Anise Seed, Fennel Seed."

Misbranding of both lots was alleged for the reason that the statements in the labeling, (carton) "Deutsche Kräuter—Tea German Herb Lax-Tonic" and (booklet) "Our Formula is Composed of Elder Flowers, Ononis Root, Buchu Leaves, Guaiac Wood, Shave Grass, Yarrow, Althea Leaves, Buckthorn, Uva Ursi Leaves, Dog Grass, Nettle Leaves, Licorice Root, Peppermint, Sassafras Bark, Anise Seed Fennel Seed", were false and misleading, since it was not a German preparation and was not made of ingredients originating in Germany and was not composed of the ingredients stated in the booklet. Misbranding was alleged for the further reason that the following statements in the circular were false and misleading: "It is safe, \* \* \* and does not contain any injurious drugs and does not create a \* \* \* point of tolerance. \* \* \* Our formula is not a secret; you know just what you are taking \* \* \* here is a lax- tonic that is \* \* \* harmless \* \* \* and can be taken indefinitely with absolute safety. \* \* \* Peppermint—noted for its potassium and manganese content."

Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: "Herbs are included which have a tonic after effect that relieves the usual feeling of depletion following evacuation of the bowels from ordinary laxatives. This herb combination stimulates the action of the stomach, liver, kidneys and bowels. \* \* \* It seems to relieve and correct faulty elimination, and many stubborn temporary cases of constipation yield to its application, quickly. It is not only a correcting element, but it acts as a general reconstructive tonic that brings back a normal appetite, helps digestion \* \* \* That lazy, dragged-out tired, feeling disappears and gives way to a bodily energy that stimulates the whole system, hastens the return of stamina and that refreshed feeling that makes life worth living. \* \* \* the herbs \* \* \* act favorably on the blood, tone the nerves and help the liver and spleen to function normally. \* \* \* If you are a chronic sufferer, or your condition has become acute, you need feel no hesitancy in trying this wonderful laxative, for we are sure a trial will convince you that at last here is a lax- tonic that \* \* \* does improve your condition and can be taken indefinitely with great benefit \* \* \* 'Elder Flowers—a Spring tonic and blood purifier, excellent for the kidneys, eases the piles or hemorrhoids.' \* \* \* for bronchial troubles \* \* \* and throat troubles and against skin eruptions.' 'Ononis Root—Acts as a tonic on the kidneys \* \* \* 'Buchu Leaves— \* \* \* acts as a tonic, increases circulation, useful in cystitis and other affections of the genitorinary mucous membrane.' \* \* \* 'Guaiac Wood—Used as a blood purifier, chronic rheumatism and gout. Is excellent for diseases in the chest and is an alterative.' \* \* \* the word Alterative means 'to induce a change; to restore healthy functions.' 'Shave Grass—Heals ulcers, strengthens the intestines, cleanses the blood.' 'Yarrow—A tonic and stimulant, has favorable action on the skin and purifies the blood, is excellent for the piles and for kidney disorders. \* \* \* for the rheumatism. It quiets the nerves and is excellent for inflammations.' 'Althea Leaves—Acts as a tonic.' 'Buckthorn— \* \* \* for strengthening the kidneys, stomach and intestines. \* \* \* against bloody urine, stones in the kidneys and bloody flux.' 'Uva Ursi Leaves—Great value in diseases of the kidneys and bladder, strengthening and imparting tone to the urinary passages, used in inflammatory diseases of the urinary tract.' 'Dog Grass— \* \* \* for diseases of the kidneys. \* \* \* it openeth obstructions of the liver and gall, and the stoppings of urine, and easeth the griping pains of the stomach and inflammations; and the ulcers thereof.' It is said also to be deadly to worms in the intestines. \* \* \* for obstructions of the liver and stones in the bladder and suppressed urine. It is also recommended for rheumatism.' \* \* \* 'Nettle Leaves—Acts on kidneys and for eliminating poisons from the body. Acts as a tonic for the liver, is excellent for diseases of the chest, helps swellings, provokes urine and expels the gravel and stone. It kills worms and eases pains in the sides and excellent for ulcers.' 'Licorice Root \* \* \* It is a great sweetener of the blood and is good for liver and cleansing the



bladder and an excellent pectoral (diseases of the chest). It is a corrector of cathartics \* \* \* 'Peppermint— \* \* \* a stimulant to relieve nausea, sour stomach, indigestion, \* \* \* and pain in stomach and bowels. It relaxes, tones and strengthens the nervous system and is a natural sleep promoter. It strengthens the digestive tract because of its valuable mineral content. It has a strong action on the blood, liver, kidneys and bladder, \* \* \* to aid digestion.' 'Sassafras Bark—Is used as a blood-purifier and for allaying inflammation of the mucous membrane lining of the kidneys.' 'Anise Seed— \* \* \* It increases circulation. It liquefies bronchial secretions and is therefore a favorite in cough mixtures.' 'Fennel Seed—Acts as a tonic to the stomach, liver and spleen.' \* \* \* In cases of \* \* \* chills, etc., \* \* \* For a tonic \* \* \* Can be used with benefit in cases of \* \* \* dizziness, liver and bowel disturbances, etc., when due to temporary constipation. \* \* \* in Cases of Digestive Disturbances, \* \* \* When Due to Temporary Constipation."

On August 17 and October 3, 1934, Adah Alberty, trading as Alberty's Food Laboratories, Hollywood, Calif., and Thomas Martindale & Co., of Philadelphia, Pa., having appeared as claimants for the respective lots, judgments of condemnation and forfeiture were entered, and the court ordered that the product be released to the claimants, upon the execution of good and sufficient bonds, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23017. Misbranding of Alberty's Organic Phosphate Pellets. U. S. v. 40 Dozen Packages and 90 Dozen Packages of Alberty's Organic Phosphate Pellets. Decrees of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. nos. 33109, 33272. Sample nos. 69243-A, 2607-B.)

These cases involved a drug preparation, the labels of which bore unwarranted curative and therapeutic claims.

On July 23, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 dozen packages of Alberty's Organic Phosphate Pellets at Philadelphia, Pa. On or about August 24, 1934, a libel was filed in the Northern District of Illinois against 90 dozen packages of the same product at Chicago, Ill. It was alleged in the libels that the article had been shipped in interstate commerce, in part on or about September 26, 1933, by the Alberty Food Laboratories, and in part on or about February 17 and March 10, 1934, by U. S. Okey (a fictitious name used by the Alberty Food Laboratories) from Hollywood, Calif., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of calcium, iron, sodium, and potassium and phosphorus compounds incorporated in milk sugar.

The article was alleged to be misbranded in that the statements on the label, "An important essential in composition of nervous tissues", and "These may be taken indefinitely with benefit", were false and fraudulent.

On August 17 and October 3, 1934, Thomas Martindale & Co., Philadelphia, Pa., and Adah Alberty trading as Alberty Food Laboratories, Hollywood, Calif., having appeared as claimants for the respective lots, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimants upon payment of costs and the execution of good and sufficient bonds, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23018. Misbranding of Alberty's Spleen and Iron Tablets and adulteration and misbranding of Alberty's Hemoglobin Tonic. U. S. v. 45 Dozen Packages of Alberty's Spleen and Iron Tablets, et al. Decrees of condemnation and forfeiture. Products released under bond to be relabeled.** (F. & D. nos. 33110, 33112. Sample nos. 69244-A, 69246-A.)

Examination of the preparations involved in these cases showed that they differed from the composition claimed.

On July 23, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 43 dozen packages of Alberty's Spleen and Iron Tablets, and 7 dozen packages of Alberty's Hemoglobin Tonic at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce, in various lots between the dates of December 16, 1933,



and March 25, 1934, by U. S. Okey (a fictitious name used by Alberty Food Laboratories), from Hollywood, Calif., and charging misbranding of the former, and adulteration and misbranding of the latter, in violation of the Food and Drugs Act.

Analyses showed that the Spleen and Iron Tablets consisted essentially of metallic iron, a fishy oil, compounds of calcium and phosphorus, protein substances and material of vegetable origin including berberine, and that the Hemoglobin Tonic consisted essentially of protein substances, material derived from plant drugs including nux vomica, and compounds of calcium and phosphorus.

The Hemoglobin Tonic was alleged to be adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, namely: (Wrapper) "Hemoblobin Tonic"; (carton) "This Tonic is Composed of Animal Extracts, Hemoglobin, Spleen substances, Pancreas and Spermin from the Interstitial Cells of Leydig and Neucleinic Acid from Wheat."

Misbranding of the Spleen and Iron Tablets was alleged for the reason that the designation of the article, "Spleen and Iron Tablets", and the statement on the carton, "Contains Actual Spleen Substance, Iron etc.", were false and misleading, in view of the actual composition of the article. Misbranding of the Hemoglobin Tonic was alleged for the reason that the statements (wrapper) "Hemoglobin Tonic", and (carton) "This Tonic is Composed of Animal Extracts, Hemoglobin, Spleen Substances, Pancreas and Spermin from the Interstitial Cells of Leydig and Neucleinic Acid from Wheat", were false and misleading, in view of the actual composition of the article.

On August 17, 1934, Thomas Martindale & Co., Philadelphia, Pa., having appeared as claimant, judgments of condemnation and forfeiture were entered, and it was ordered that the products be released to the claimant upon payment of costs and the execution of bonds totaling \$700, conditioned that they be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23019. Adulteration and misbranding of Cheno Restorex Tablets. U. S. v. 30 Dozen Packages and 80 Dozen Packages of Cheno Restorex Tablets. Decree of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. nos. 33111, 33171. Sample nos. 389-B, 5782-B.)

These cases involved a product, the labeling of which bore unwarranted curative and therapeutic claims. The product was represented to contain in four tablets, a level teaspoonful of dehydrated vegetables, whereas it did not. One lot was labeled, "does not contain drugs", when as a matter of fact the product did contain drugs.

On July 24, and August 8, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 110 dozen packages of Cheno Restorex Tablets at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, in part on or about July 14, 1934, by the Railway Terminal Warehouse Co. (invoiced by Alberty Laboratories) from Chicago, Ill., and in part on or about July 13, 1934, by U. S. Okey (a fictitious name used by Alberty Food Laboratories), from Los Angeles, Calif., and charging misbranding of a portion and adulteration and misbranding of the remainder in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of powdered plant material including a laxative drug, together with calcium and phosphorus compounds, compressed in tablet form.

Adulteration of one of the lots was alleged in that its strength fell below the professed standard under which it was sold, namely, (page 13 of booklet entitled "Cheno Keep or Regain That Youthful Figure", a supply of which was shipped by the manufacturer to the consignee on March 10, 1934) "Four Cheno Restorex Tablets Contain a Level Teaspoonful of dehydrated vegetables."

Misbranding of one of the lots was alleged for the reason that a certain statement on the label was false and misleading, since it represented that the article did not contain drugs, whereas it did contain drugs. Misbranding of both lots was alleged for the reason that the term "Restorex", appearing on the label, was false and fraudulent, since the article was not a restorative in any sense, and in particular was not a restorative of the normal size and shape of the human body as the manufacturer interpreted the term in collateral advertising.

On August 17, 1934, Thomas Martindale & Co., Philadelphia, Pa., having appeared as claimant, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$1,000, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23020. Misbranding of Alberty's Foods. U. S. v. 192 Packages of Instant Alberty's Food and 30 Cans of Alberty's Food. Consent decrees of condemnation and forfeiture. Products released under bond to be relabeled.** (F. & D. nos. 33270, 33271. Sample nos. 2619-B, 2620-B.)

These cases involved products, the labels of which bore unwarranted health and therapeutic claims.

On or about August 24, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 192 packages of Instant Alberty's Food and 30 cans of Alberty's Food at Chicago, Ill., alleging that the articles had been shipped in interstate commerce, on or about March 13 and May 23, 1934, by U. S. Okey (a fictitious name used by Alberty Food Laboratories), from Hollywood, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the Instant Alberty's Food consisted essentially of dried milk and plant material including starch, and that the Alberty's Food consisted essentially of wheat flour, shorts, and bran.

The articles were alleged to be misbranded in that the following statements, regarding their curative or therapeutic effects, were false and fraudulent: (Instant Alberty's Food) "One May Take One Or More Of The Alberty Products And Get Results. The full Alberty's Treatment is not essential but is for those who desire to recover their health in the shortest possible length of time. Regardless of what is wrong—some ailment or a general 'rundown' condition, quicker and more pronounced results are obtained when the full treatment is taken. In most all ailments or 'run-down' conditions, the nervous system is effected and the cells of the body becomes inactive or partially paralyzed and are not renewed as quickly as when the body is perfectly normal. The daily loss of worn-out cells amounts to about 100 million million. These worn-out cells must not only be eliminated but must be replaced daily to maintain or to rebuild health. \* \* \* Many people take just one of the products and get excellent results. Some take only the Alberty's Food, \* \* \* Alberty's Food Regular Or Instant—the body builders. \* \* \* Instant Alberty's Food is a highly concentrated food already prepared with pure, fresh, cow's milk combined with Alberty's Food. \* \* \* Within the past few years, marvelous discoveries connected with the health-giving aspects of milk have been made. Milk is a great help to men and women who want to keep strong, vigorous and youthful. Not only is milk a builder, repairer and invigorator, but it is the only food that really heals and is also used as an antidote for poisons, etc. \* \* \* Alberty's Food \* \* \* Is a cereal derivative containing \* \* \* protein \* \* \* for rebuilding body cells. \* \* \* has 16 life sustaining elements, \* \* \* Alberty's Food, \* \* \* makes of milk a different food \* \* \* It breaks up the dense curd into \* \* \* particles, \* \* \* the digestive juices mingling through these particles, absorbs the healing and life-giving elements in milk. \* \* \* One May Take One Or More Of The Alberty Products And Get Results. The full Alberty's Treatment is not essential but is for those who desire to recover their health in the shortest possible length of time. Regardless of what is wrong—some ailment or a general 'rundown' condition, quicker and more pronounced results are obtained when the full treatment is taken. In most all ailments or 'run-down' conditions, the nervous system is effected and the cells of the body becomes inactive or partially paralyzed and are not renewed as quickly as when the body is perfectly normal. The daily loss of worn-out cells amounts to about 100 million million. These worn-out cells must not only be eliminated but must be replaced daily to maintain or to rebuild health. \* \* \* Many people take just one of the products and get excellent results. Some take only the Alberty's Food, \* \* \* Alberty's Food Regular Or Instant—the body builders. \* \* \* Instant Alberty's Food is a highly concentrated food already prepared with pure, fresh, cow's milk combined with Alberty's Food. \* \* \* Within the past few years, marvelous discoveries connected with the health-giving



aspects of milk have been made. Milk is a great help to men and women who want to keep strong, vigorous and youthful. Not only is milk a builder, repairer and invigorator, but it is the only food that really heals and is also used as an antidote for poisons, etc. \* \* \* **Alberty's Food** \* \* \* Is a cereal derivative containing \* \* \* protein \* \* \* for rebuilding body cells. \* \* \* has 16 life sustaining elements, \* \* \* **Alberty's Food**, \* \* \* makes of milk a different food \* \* \* It breaks up the dense curd into \* \* \* particles, \* \* \* the digestive juices mingling through these particles, absorbs the healing and life-giving elements in milk"; (**Alberty's Food**) "The onset of old age is hastened by food deficient in calcium \* \* \* leaving \* \* \* all the life and vitality of milk. \* \* \* 45 grains of calcium per day to maintain good health, \* \* \* for rebuilding body cells. \* \* \* has sixteen life sustaining elements, \* \* \* **Alberty's Food Regular** \* \* \* the body builders, \* \* \* Make the food fresh each morning, or the food may be cooked in the water and milk added as needed (after food is cold). The full amount of the Regular Formula, or about 8 glassfuls should be used each day, in conjunction with regular meals of other foods. ( $\frac{1}{2}$  or  $\frac{1}{4}$  of the formula may be prepared by dividing everything  $\frac{1}{2}$  or  $\frac{1}{4}$ ). Food may be taken at any time that is convenient—just before, or after meals, or between meals, or part of the formula in the morning and the balance in the evening. The Food may be taken every hour or so with benefit. The Food may be taken hot or cold. Use The Beginner's Formula for three weeks, then commence to strengthen the milk part by adding 1 ounce of milk extra each day and decreasing 1 ounce of water each day. Use the same amount of Food, Sugar and Salt given in The Beginner's Formula until half milk and half water is used. When one's employment would make it impossible to drink the **Alberty-Food** as often as every two hours, drink three or four glasses upon arising, and just before retiring. Start all patients on the Beginner's Formula. The double formula are best as results are more satisfactory when large amounts are used. The strength of milk used to begin with is very important. Failure with the treatment is often due to the milk being too strong for the stomach. Perfect digestion does not always mean assimilation. Very few people can digest and assimilate full strength milk, until stomach and intestines re-educated and strengthened. \* \* \* reproducing new cells \* \* \* restore the body to a normal condition. \* \* \* **Diet regulations For Diarrhea And Mucus Colitis Mucus Colitis** 1. Two hours after a light breakfast take five ounces of castor oil. The purpose of five ounces of castor oil is thoroughly to cleanse out the intestines and colon of all accumulated mucus. This is absolutely necessary in order to get the desired results. 2. One hour after the castor oil, start on the Beginner's Formula **Alberty's Food**—two glassfuls. Immediately before drinking the food, take one-half teaspoon of bismuth subnitrate moistened with water. The powdered bismuth is best. Just before each meal and before you take **Alberty's Food**, be sure to take one-half teaspoon of bismuth. Continue the **Alberty's Food** until there is no trace of mucus. Bismuth is absolutely essential with **Alberty's Food** in all cases of mucus colitis. It is necessary to use the bismuth for three or four months. The bismuth coats over the lining of the intestines where the oil has removed the mucus, and prevents its forming again. The oil need not be repeated unless the stool shows an excess of mucus. During this treatment avoid all fruits except bananas, dates, raisins and pears. It is best to sieve coarse vegetables, and do not eat bran bread. A fine whole wheat bread is best. Meats, dairy products, eggs, cottage cheese, sieved peas and corn and well-baked potatoes. In all mucus colitis cases, take **Alberty's German Herb Lax-Tonic** made into a tea to keep the bowels open, as bismuth is constipating. **Diarrhea** Follow directions as above, except do not use a laxative at night. The bismuth subnitrate may be discontinued in three or four days after diarrhea has ceased. \* \* \* **Diet Regulation With Vomiting Babies:** Mothers sometimes are at a loss to know when to class their children as vomiting babies. Those that 'spit up' small amounts after feeding or vomit once or twice a day, cannot be classed as vomiting babies, and directions as given elsewhere should be followed. The directions given here are to be carried out only when baby vomits large amounts after feeding. There are different causes for vomiting. Some babies will vomit from the hour of birth until they are six months of age, and gain steadily in weight each week; on the other hand, a vomiting baby may be very easily starved to death. If the directions here given are carefully followed, any vomiting baby will thrive and the vomit-



ing finally cease. As the relaxed walls of the stomach are built up, the solids in the food will be retained and only water vomited. This is a good sign. Habitual vomiting will cease for three days after the baby commences this food and will then recur for a time, but gradually grow less. Patience is required. As long as the baby is gaining weight, do not worry. Prepare food as given in Beginner's Formula and feed from  $2\frac{1}{2}$  up to  $4\frac{1}{2}$  ounces every hour during the day. A young infant may be satisfied on  $2\frac{1}{2}$  ounces or more per hour; an older child may require  $4\frac{1}{2}$  ounces. Grade the proportions so that baby is satisfied after the hour feeding, but will require the same amount the next hour. Just before the sleeping periods or during the night, give full feedings, 8 ounces (depending on age of baby and appetite). Baby will not vomit during sleep. Do not let anyone persuade you that every hour is too often to feed the child. Thousands of vomiting babies who would have died, have been saved by this method. After the vomiting baby has been on the Beginner's Formula for 7 days, gradually commence to strengthen the milk part, also gradually lengthen the feeding periods to one and a quarter hours, as baby is able to retain larger amounts. The  $1\frac{1}{2}$ -hour schedule may be used when infant is able to retain full feedings. In the beginning, it will continue to vomit some from one hour to the next, but a little food will be retained and that little is what will save the baby and cure the vomiting. Remember, the milk part must be strengthened little by little (Method of Strengthening Milk Part) in spite of the vomiting. Some vomiting babies can stand increasing the milk part only half as fast as a baby who does not vomit. When the stomach reaches a certain strength, and the strength of the food has been increased a corresponding amount, the baby will cease to vomit. There will be days when it will scarcely vomit at all; then a day when the vomiting will seem to regain its old force. Vomiting gradually lessens first in the morning, then comes on a little later each day, until vomiting will not occur until late in the afternoon and finally ceases. A baby will often gain steadily, even though the vomiting may not cease for some weeks. Vomiting Babies—How To Strengthen Milk When baby's stomach is very frail as in cases of vomiting or otherwise, strengthen milk part more slowly, using a teaspoon instead of a tablespoon. In many cases  $\frac{1}{2}$  a teaspoon of milk extra instead of a teaspoon has been used. How To Regulate The Diet In Cases Of Irritated Stomach, Intestines, Sore Mouth And Sore Buttocks Bismuth subnitrate will heal irritations of the stomach, often indicated by a sore mouth. It will also heal irritation of the intestines, frequently manifested by sore buttocks or diarrhea. Many physicians have been discouraged from using bismuth subnitrate, claiming results were disappointing. Bismuth is ineffective when used in too small a dose or when the baby's food contains too much butterfat, or the cows are fed barley, causing the milk to have an acid reaction, or where the child is nibbling on crackers, etc. Bismuth used with Alberty-Food Alkaline Milk, and avoiding adult's food, has always proved to be effective. \* \* \* Bismuth subnitrate has a soothing effect on the digestive tract and is a valuable, harmless remedy. It should be used in all cases of diarrhea, sore mouth, irritated stomach and intestines and sore buttocks. Bismuth should be continued at least three days after all symptoms of trouble disappear, for if a small spot is left unhealed in the intestines it will break out again, as irritation spreads rapidly over a mucous membrane. In that case, return to the use of bismuth. \* \* \* Experimenting On Babies Carefully compiled statistics show that one-half the bottle-fed babies die before they reach the age of two years, and that only one in ten of the remainder is well developed. The cemeteries are filled with children who died of starvation. The mother is usually afraid she will kill her baby if she feeds it. The result is, she starves it to death, or else the starvation diet cripples it for life. It will also cause a shrinkage of the stomach. The body is composed of the food eaten and assimilated. The majority of infant cases require wisdom and experience in order to handle them successfully. There is a big difference between experimenting and genuine experience. Generally there is too much experimenting with the child's stomach. The baby is the most abused and least understood of living things, yet the most precious. Many so-called scientific methods employed in feeding children are contrary to Nature. A baby fed normally on properly constituted food, has an equal chance with the breast-fed infant. \* \* \* Fretful Babies—The Cause When cows are fed barley, or milk is too rich in butterfat, or is increased too rapidly—baby will be cross, sleepless, distressed and often the bowels will be a loose lemon yellow. Look to your milk supply as Alberty's Food is always the same. \* \* \* Difficult Teething—Bone Starvation Slow or arrested denti-

tion (teething) and bone weakness, especially in the lower limbs, are due to a lack of lime or calcium in the system. Milkless baby foods are often deficient in lime or calcium. Lime is essential to life; without it death follows. Lime or calcium forms three-fourths of the total minerals salts of the body. The chief lime-carrying food is milk. Ordinary lime water, as purchased from the drug store, and lime-water tablets are inorganic and cannot be assimilated. They are used only to offset the acidity of cow's milk and to offset the acidity of the stomach. The only kind of lime which is beneficial for teeth and bone is Alberty's Food with milk and Alberty's Calcatine. It is a valuable calcium salt carefully triturated with pure Sugar of Milk, is readily assimilated and is a valuable aid during the teething period both before and after. If baby is cross and fretful, give Alberty's Calcatine as it is of the greatest importance to the soft and growing tissues, promoting cell growth, supplying the first basis of the new tissues, giving the proper elements for the teething germs and the bony structure. Deficient Calcium causes many ailments including bone diseases, rickets, bow legs, head sweating, convulsions, anemia, tuberculosis, colds, coughs, etc. \* \* \* Alberty-Food Never Causes Diarrhea Alberty-Food is a neutral food and never causes diarrhea. If diarrhea persists, change cow's milk and make up Alkaline milk, as per directions given in this book. Avoid Guernsey cow's milk because it contains too much butter-fat. \* \* \* Diet Regulation In Cases Of Eczema Diet starvation is frequently the cause. Indigestion, malnutrition, barley water, orange juice, cow's milk when too acid and when cows are fed on barley malt or oil cake, also produce eczema. Children often have a breaking out of the skin after an irritated or inflamed condition of the digestive tract. Orange juice or baby foods that do not agree ferment and the poison is absorbed into the blood causing a breaking out of the skin. When a food is found that is nonirritating, the rich new blood begins immediately to throw off the poison through the skin until all of it has been eliminated. Use Alberty-Food, together with the following treatment: Do not cleanse the affected parts with oil; use warm water and Resinol or Castile soap once a day. Pat dry and then anoint with Resinol salve twice daily and give Alberty's Calcatine. Add lime to baby's food to neutralize the acid \* \* \* Scurvy-Rickets—Bone Starvation Head Sweating—a sign of Rickets Rickets and scurvy are caused by a lime—or calcium—starvation. Rickets is one of the most dreaded malnutrition diseases. Some children will have rickets no matter what they are fed. They were born lime-starved and the deficiency has never been made up. Alberty-Food furnishes the necessary bone and tissue building materials, together with the proper modification of cow's milk. Make up food as usual, except leave out one-half the milk part until the other half of the food is made and becomes cold, then add the other half of the cold raw milk to that which has been cooked."

On October 3, 1934, Adah Alberty, trading as Alberty Food Laboratories, Hollywood, Calif., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered that the products be released to the claimant upon the execution of good and sufficient bonds, conditioned that they be re-labeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23021. Misbranding of hydrogen peroxide solution. U. S. v. 41 Containers of Hydrogen Peroxide Solution. Default decree of condemnation, forfeiture, and destruction.** (F. & D. no. 33115. Sample no. 61146-A.)

This case involved a shipment of hydrogen peroxide solution which was short volume.

On July 24, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 containers of hydrogen peroxide solution at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce, on or about May 11, 1934, by James Good, Inc., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "One Gallon."

The article was alleged to be misbranded in that the statement on the label, "One Gallon", was false and misleading.

On August 23, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*



**23022. Adulteration and misbranding of Antiseptic Mouth Wash and misbranding of Astringent Mouth Wash. U. S. v. 286 Bottles of Antiseptic Mouth Wash and 143 Bottles of Astringent Mouth Wash. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 33116, 33117. Sample nos. 6401-B, 6402-B.)**

This case involved drug products which were labeled with unwarranted curative and therapeutic claims. Tests of the Antiseptic Mouth Wash showed that it was not antiseptic when used according to directions.

On July 25, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 286 bottles of Antiseptic Mouth Wash and 143 bottles of Astringent Mouth Wash at New York, N. Y., alleging that the articles had been shipped in interstate commerce, on or about July 3, 1934, by the Pioneer Chemical Co., from Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. Both products were labeled in part: "Prepared for Majestic Laboratories, New York."

Analysis of the Antiseptic Mouth Wash showed that it consisted essentially of water, alcohol (21.45 percent), boric acid, benzoic acid, and flavoring materials including menthol, methyl salicylate, and eucalyptol. Bacteriological examination showed that it was not an antiseptic when diluted with an equal volume of water. Analysis of the Astringent Mouth Wash showed that it consisted essentially of small amounts of alcohol, zinc chloride, menthol, oil of cinnamon, and formaldehyde dissolved in water, and colored red.

The Antiseptic Mouth Wash was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Antiseptic Mouth Wash \* \* \* One teaspoonful to  $\frac{1}{4}$  glass of water."

Misbranding of both products was alleged in that the following statements appearing in the labeling, regarding their curative or therapeutic effects, were false and fraudulent: (Antiseptic Mouth Wash) "A few drops on the tooth brush will keep the gums firm and healthy. To relieve Sore Throat or Tonsillitis"; (Astringent Mouth Wash) "To relieve Sore Throat or Tonsillitis."

On August 9, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the products was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23023. Misbranding of Epsom salts tablet compound. U. S. v. 81 Counter Display Cards of Epsom Salts Tablet Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33130. Sample no. 6404-B.)**

This case involved a product labeled to convey the impression that it depended for its physiological action upon its content of Epsom salt. Analysis showed that it contained phenolphthalein which would produce its principal laxative effect. The labels contained unwarranted curative and therapeutic claims.

On July 27, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 81 counter display cards, each containing 15 retail packages of Epsom salts tablet compound, at New York, N. Y., consigned on or about August 15, 1932, alleging that the article had been shipped in interstate commerce by the Warren Wholesale Co., from Warren, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Epsom Salts Tablet Compound \* \* \* The Puritan Drug Mfg. Co., Columbus, Ohio."

Analysis of a sample of the article by this Department showed that it contained Epsom Salts (11.6 grains per tablet), and phenolphthalein (1.25 grains per tablet).

It was alleged in the libel that the article was misbranded in that the following statements appearing on the cartons were false and misleading: (Display carton) "Epsom Salts Tablet Compound \* \* \* Two Tablets as Effective As a Tablespoonful of Epsom Salts \* \* \* A Saline Laxative Nature's Laxative"; (package carton) "Epsom Salts Tablet Compound \* \* \* Saline Laxative \* \* \* Two Tablets as Effective as a tablespoonful of Epsom Salts." Misbranding was alleged for the further reason that the following statements appearing on the display card and carton were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: (Display carton) "For \* \* \* Headache, Dizziness, Biliousness, For Stomach, Liver, Bowels, Blood \* \* \* For Headaches. For the Blood Best



System Tonic \* \* \* Drives out Poison For Indigestion \* \* \* For the Liver \* \* \* For the Stomach"; (package carton) "For Bowels Blood \* \* \* Stomach, Liver Headache, Dizziness, Biliousness. Directions Dose—Adults (2) Tablets, followed by a glass of hot water."

On August 16, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23024. Misbranding of Red Monk Tonic and Almo Tonic. U. S. v. 587 Bottles of Red Monk Wine Bitters Tonic and 335 Bottles of Almo Tonic. Default decree of condemnation, forfeiture, and destruction.** (F. & D. nos. 33131, 33132. Sample nos. 6405-B, 6406-B.)

This case involved drug products which were labeled with unwarranted curative and therapeutic claims. It was claimed on the label of the Red Monk Tonic that it was absolutely harmless, whereas it contained ingredients that might be harmful.

On July 27, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 587 bottles of Red Monk Tonic and 336 bottles of Almo Tonic at New York, N. Y., alleging that the articles had been shipped in interstate commerce, on or about May 19, 1934, by the Pennsylvania Wholesale Drug Co., from Wilkes Barre, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Red Monk Wine Bitters Tonic \* \* \* Red Monk Medicinal Wine Co., Los Angeles, Calif."; "Almo Tonic \* \* \* Hallstead Manufacturing Co., Hallstead, Penna."

Analysis showed that the Red Monk Tonic consisted essentially of caffeine (0.49 gram per 100 cc), a small proportion of a quinine compound, alcohol, glycerin, and water; and that the Almo Tonic consisted essentially of an extract of a laxative plant (0.1 percent), alcohol (28.6 percent by volume), and water.

The Red Monk Tonic was alleged to be misbranded in that the statement on the bottle label, "is absolutely harmless", was false and misleading. Misbranding of both products was alleged in that the following statements regarding their curative or therapeutic effects were false and fraudulent: (Red Monk Tonic, outer wrapper) "This Tonic \* \* \* is truly a stimulative blood and nerve builder \* \* \* relieving fatigue"; (neck label) "The Vigor of Youth"; (Almo Tonic, bottle) "Tonic \* \* \* Aids Indigestion, Invigorates the Nervous System, Stimulates the Liver & Kidneys \* \* \* Imparts New Vigor."

On August 16, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the products was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23025. Misbranding of Chlorine Respirine. U. S. v. 156 Tubes of Chlorine Respirine. Default decree of condemnation, forfeiture, and destruction.** (F. & D. no. 33137. Sample no. 6403-B.)

This case involved a product labeled to convey the impression that it contained chlorine in an appreciable amount. Analysis showed that it contained but a mere trace of chlorine. The labels also bore unwarranted curative and therapeutic claims.

On July 30, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 156 tubes of Chlorine Respirine at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about March 17, 1934, by James Bailly & Son, from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Chlorine Respirine \* \* \* Chlorine Respirine Company, Chicago, Indianapolis."

Analysis showed that the article consisted essentially of a calcium compound, chlorides, and a trace of chlorine incorporated in petrolatum.

The article was alleged to be misbranded in that the word "Chlorine" in the trade name, and the statements (small carton) "Chlorine Respirine liberates pure Chlorine gas", (circular accompanying package) "Liberates free Chlorine \* \* \* containing chlorine gas \* \* \* The Chlorine Products Company has been testing various means of producing chlorine for this treatment in a convenient and safe form so that everybody may have this

treatment without going to hospitals or other expensive places where special equipment is used. We now offer to you Respirine in an ointment base which when applied as a cream to the entrance of each nostril will liberate the chlorine gas", and (tube) "Liberates Free Chlorine", were false and misleading, since the article contained but a mere trace of chlorine. Misbranding was alleged for the further reason that certain statements on the cartons, tubes, and in the circulars, regarding the curative or therapeutic effects of the article, falsely and fraudulently represented that it was effective as a chlorine treatment; and effective as a treatment for bronchitis, laryngitis, whooping cough, influenza, colds and their complications, coryza, pharyngitis, and all respiratory infections where the infective organism is on the surface of the mucous membrane; and effective in the prevention of surface respiratory infections.

On August 16, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

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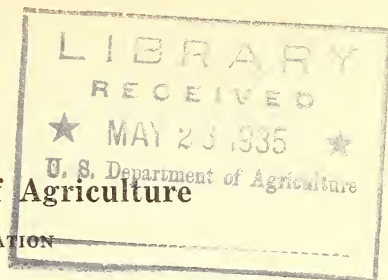
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Eastern Drug Co-----	23013	Eastern Drug Co-----	23013
Chamberlain's Cough Remedy:		Chamberlain's Cough Remedy:	
Chamberlain Medicine Co-----	23004	Chamberlain Medicine Co-----	23004
Gilbert Bros. & Co-----	23004	Gilbert Bros. & Co-----	23004
Cheno Restorex Tablets:		Cheno Restorex Tablets:	
Alberty Food Laboratories--	23019	Alberty Food Laboratories--	23019
Alberty Laboratories-----	23019	Alberty Laboratories-----	23019
Railway Terminal Warehouse		Railway Terminal Warehouse	
Co-----	23019	Co-----	23019
U. S. Okey-----	23019	U. S. Okey-----	23019
Chlorine Respirine:		Chlorine Respirine:	
Baily, James, & Son-----	23025	Baily, James, & Son-----	23025
Chlorine Respirine Co-----	23025	Chlorine Respirine Co-----	23025
Dakota Jack's Cowboy Liniment:		Dakota Jack's Cowboy Liniment:	
Dakota Jack-White-Moon		Dakota Jack-White-Moon	
Remedy Co-----	23010	Remedy Co-----	23010





# United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION



## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

23026-23150

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 19, 1935]

**23026. Adulteration and misbranding of canned tuna. U. S. v. Franco-Italian Packing Co., Inc. Plea of guilty. Fine, \$25. (F. & D. no. 30181. Sample no. 8853-A.)**

This case was based on an interstate shipment of canned tuna which was found to be in part tainted or stale. The article was also labeled as having been packed by a firm other than the actual packer.

On June 2, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Franco-Italian Packing Co., Inc., Terminal Island, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 18, 1932, from the State of California into the State New York, of a quantity of canned tuna which was adulterated and misbranded. The article was labeled in part: (Cases and cans) "Breast-O'Chicken Brand Extra Fancy Tuna Fish Packed By Westgate Sea Products Company, San Diego, California."

The article was alleged to be adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged in that the statement, "Packed By Westgate Sea Products Company", borne on the cases and cans, was false and misleading, and in that it was labeled as aforesaid so as to deceive and mislead the purchaser, since it was not packed by the Westgate Sea Products Co., but was packed by the Franco-Italian Packing Co., Inc.

On October 18, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23027. Misbranding of coffee. U. S. v. 350 Packages of Coffee. Default decree of condemnation and forfeiture. Product delivered to relief organization. (F. & D. no. 31220. Sample nos. 46414-A, 46415-A.)**

Sample packages of coffee taken from the shipment involved in this case were found to contain less than the labeled weight.

On October 12, 1933, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 350 packages of coffee at Marshall, Tex., alleging that the article had been shipped in interstate commerce, on or about September 27, 1933, by the Abel Coffee Co., Inc., from Shreveport, La., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Half Pound Net Weight or ["One Pound Net Weight"] \* \* \* Abel Coffee Co., Inc., Shreveport, La."

It was alleged in the libel that the article was misbranded in that the statements on the label, "Half Pound Net Weight" and "One Pound Net Weight", were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were incorrect.

On July 7, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a relief organization.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23028. Adulteration of apples. U. S. v. Callie Fugate. Plea of guilty. Fine, \$1. (F. & D. no. 31392. Sample no. 17182-A.)**

Examination of the apples involved in this case showed the presence of arsenic and lead.

On June 28, 1934, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Callie Fugate, Springdale, Ark., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about September 20, 1932, from the State of Arkansas into the State of Oklahoma, of a quantity of apples which were adulterated.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On September 17, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$1.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23029. Adulteration of apples. U. S. v. Fred D. Shepard. Plea of guilty. Fine, \$1. (F. & D. no. 31394. Sample nos. 17194-A, 25418-A.)**

Examination of the apples involved in this case showed the presence of arsenic and lead.

On May 3, 1934, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Fred D. Shepard, Centerton, Ark., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about September 28, 1932, from the State of Arkansas into the State of Missouri, of quantities of apples which were adulterated.

The information charged adulteration of the article in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On September 17, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$1.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23030. Adulteration of canned salmon. U. S. v. Shepard Point Packing Co. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 31415. Sample no. 16686-A.)**

This case was based on an interstate shipment of canned salmon that was in part tainted or stale.

On June 25, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Shepard Point Packing Co., a corporation, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 30, 1932, from the State of Washington into the State of South Carolina, of a quantity of canned salmon which was adulterated. The article was labeled in part: "Cordova Brand Alaska Medium Red Salmon Distributed By Shepard Point Packing Co., Main Office Seattle, Wash."

The article was alleged to be adulterated in that it consisted in part of a decomposed and putrid animal substance.

On July 30, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*



**23031. Adulteration of apples. U. S. v. C. M. Holtzinger Fruit Co., Inc. Plea of nolo contendere. Fine, \$60.** (F. & D. no. 31483. Sample nos. 18048-A, 31232-A, 31257-A.)

This case was based on interstate shipments of apples, examination of which showed the presence of arsenic and lead.

On April 28, 1934, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the C. M. Holtzinger Fruit Co., Inc. Yakima, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 28 and November 29, 1932, and February 23, 1933, from the State of Washington into the State of Montana, of quantities of apples which were adulterated. Two of the shipments were labeled in part: "Faced and filled 17 Stayman [or "Winesap"] \* \* \* Yakima Valley Fruit C. M. Holtzinger Fruit Co., Yakima, Wash."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On October 3, 1934, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$60.

*M. L. WILSON, Acting Secretary of Agriculture.*

**23032. Misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$500.** (F. & D. no. 31491. Sample no. 31145-A.)

Samples packages of butter taken from the shipment involved in this case were found to contain less than 1 pound, the weight declared on the label.

On April 12, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation, trading at Astoria, Oreg., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about February 22, 1933, from the State of Oregon into the State of Washington, of a quantity of butter which was misbranded. The article was labeled in part: "Weight One Pound Swift's Premium Quality Brookfield Sweet Cream Butter \* \* \* Distributed by Swift & Company \* \* \* Chicago."

It was alleged in the information that the article was misbranded in that the statement, "Weight One Pound" borne on the package, was false and misleading, and in that it was labeled so as to deceive and mislead the purchaser, since the packages contained less than 1 pound of butter. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On October 23, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$500.

*M. L. WILSON, Acting Secretary of Agriculture.*

**23033. Adulteration and misbranding of butter. U. S. v. Fergus County Creamery. Plea of guilty. Fine, \$100.** (F. & D. no. 31531. Sample nos. 44427-A to 44430-A, incl.)

This case was based on the shipment of four lots of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On July 2, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fergus County Creamery, a corporation, Lewistown, Mont., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 31, 1933, from the State of Montana into the State of California, of quantities of butter which was adulterated, and portions of which were also misbranded. One shipment was labeled: "Armour's Star Quality Cloverbloom \* \* \* Butter \* \* \* Armour Creameries, Chicago, Distributors." Two of the shipments were labeled: "Armour's Cloverbloom \* \* \* Butter \* \* \* Distributed by Armour Creameries, General Offices, Chicago." One shipment consisted of tub butter labeled, "Standard."

The information charged that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding of portions of the article was alleged for the reason that the statement "Butter", borne on the packages, was false and misleading, and for

the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat, whereas it contained less than 80 percent by weight of milk fat.

On October 3, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23034. Adulteration of canned shrimp. U. S. v. 189 Cases and 62 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction.** (F. & D. no. 31786. Sample nos. 45178-A, 45179-A.)

This case involved an interstate shipment of canned shrimp which was in part decomposed.

On December 27, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 251 cases of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about November 17, 1933, by the Nassau Packing Co., from Jacksonville, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Florida Chief Brand [or "Musketeer"] Nassau Shrimp \* \* \* Packed by The Nassau Packing Co., S. S. Goffin, Jacksonville, Fla."

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On November 1, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23035. Adulteration of canned prunes. U. S. v. 464 Cases of Canned Prunes. Default decree of destruction.** (F. & D. no. 31996. Sample no. 56437-A.)

This case involved an interstate shipment of canned prunes which were in part decomposed.

On February 17, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 464 cases of canned prunes at St. Paul, Minn., alleging that the article had been shipped in interstate commerce, on or about December 8, 1933, by Paulus Bros. Packing Co., from Salem, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Red Tag Fresh Oregon Prunes \* \* \* Paulus Bros. Packing Co. Salem, Oregon."

The article was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance.

On October 15, 1934, the case was called and, no claimant appearing, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23036. Adulteration of pears. U. S. v. Ingraham Fruit & Cold Storage Co., and Edward S. Small. Pleas of guilty. Fines, \$30.** (F. & D. no. 32103. Sample no. 21309-A.)

Examination of the interstate shipment of pears on which this case was based showed the presence of arsenic and lead.

On June 6, 1934, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Ingraham Fruit & Cold Storage Co., a corporation, Zillah, Wash., and Edward S. Small, Yakima, Wash., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about February 1, 1933, from the State of Washington into the State of New York, of a quantity of pears which were adulterated. The article was labeled in part: "C. C. Woodall Company, Zillah, Washington. Washington Pears-Messenger Brand."

Adulteration was charged in that the article contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On October 3, 1934, a plea of guilty was entered on behalf of the Ingraham Fruit & Cold Storage Co., and the court imposed a fine of \$25 against the said corporation, and on the same date Edward S. Small entered a plea of guilty and was fined \$5.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23037. Misbranding of mayonnaise. U. S. v. Vita-Foods, Inc. Plea of nolo contendere. Fine, \$50. (F. & D. no. 32131. Sample no. 39878-A.)**

This case was based on a shipment of mayonnaise that contained added undeclared starch and that was also short weight.

On August 13, 1934, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Vita-Foods, Inc., a corporation, Jacksonville, Fla., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about February 18, 1933, from the State of Florida into the State of Georgia, of a quantity of mayonnaise which was misbranded. The article was labeled in part: "Vita Food Brand Mayonnaise Vita-Foods, Inc., Jacksonville, Fla. 7 Fl. Oz."

The article was alleged to be misbranded in that the statements, "Mayonnaise \* \* \* 7 Fl. Oz.", borne on the jar labels, were false and misleading, and in that it was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the article was mayonnaise and contained no substance that mayonnaise does not contain, and that the jars contained 7 fluid ounces of the article; whereas it contained starch, a substance which is not a component of mayonnaise, and the jars contained less than 7 fluid ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the packages contained less than declared.

On October 5, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23038. Adulteration and misbranding of baking powder. U. S. v. Albert Krout Co. Plea of nolo contendere. Sentence suspended and defendant placed on probation. (F. & D. no. 32188. Sample no. 55525-A.)**

This case was based on a shipment of baking powder that contained insufficient available carbon dioxide. The label bore no statement of the quantity of the contents.

On August 6, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Albert Krout Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about October 23, 1933, from the State of Pennsylvania into the State of New Jersey, of a quantity of baking powder which was adulterated and misbranded. The article was labeled in part: "Krout's Baking Powder \* \* \* Manufactured by Albert Krout Co. Philadelphia."

The article was alleged to be adulterated in that a product deficient in available carbon dioxide for baking powder had been substituted for baking powder, which the article purported to be.

Misbranding was alleged for the reason that the statement "Baking Powder", borne on the label, was false and misleading and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not baking powder, in that it was deficient in available carbon dioxide for baking powder. Misbranding was alleged for the further reason that an article deficient in available carbon dioxide had been offered for sale under the distinctive name of another article, namely, baking powder, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 30, 1934, a plea of nolo contendere was entered on behalf of the defendant company. Sentence was suspended and the defendant placed on probation for 30 days.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23039. Adulteration and misbranding of wheat bran. U. S. v. Blish Milling Co. Judgment of guilty. Fine, \$50. (F. & D. no. 32189. Sample no. 68554-A.)**

This case was based on a shipment of bran that was found to contain scourgings or screenings and scourgings.

On or about July 5, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Blish Milling Co., a corporation, Seymour, Ind., alleging shipment by said company, in violation of the Food and



Drugs Act, on or about October 30, 1933, from the State of Indiana into the State of Maryland, of a quantity of wheat bran which was adulterated and misbranded. The article was labeled in part: (Tag) "Woodstock Bran Manufactured by Blish Milling Company, Seymour, Indiana. \* \* \* Ingredients: Wheat Bran."

The article was alleged to be adulterated in that screenings and/or scourings had been substituted in part for wheat bran which the article purported to be.

Misbranding was alleged for the reason that the statement, "Ingredients: Wheat Bran", borne on the tag, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article consisted solely of wheat bran, whereas it consisted, in part, of screenings and/or scourings.

On October 15, 1934, the case having come on for trial on a stipulation of facts after arraignment and a plea of not guilty, judgment of guilty was entered and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23040. Adulteration of dried prunes. U. S. v. Rolland C. Jory (Jory Packing Co.). Plea of guilty. Fine, \$25.** (F. & D. no. 32209. Sample nos. 60319-A, 60323-A.)

This case was based on a shipment of dried prunes which were found to be in part decomposed.

On September 4, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Rolland C. Jory, trading as the Jory Packing Co., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about November 20, 1933, from the State of Oregon into the State of Washington, of a quantity of dried prunes which were adulterated. The article was labeled in part: "Jory Packing Co., Salem Ore."

The article was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance.

On October 23, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23041. Adulteration of olives. U. S. v. The Quaker Maid Co. Plea of guilty. Fine, \$10.** (F. & D. no. 32228. Sample nos. 56051-A, 56054-A.)

This case was based on a shipment of olives which were found to be in large part wormy.

On July 23, 1934, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Quaker Maid Co., trading at Terre Haute, Ind., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 6, 1933, from the State of Indiana into the State of Illinois, of two barrels of olives which were adulterated. One barrel was unlabeled, and the other barrel was marked "Plain Rejects."

The article was alleged to be adulterated in that it consisted in part of a filthy vegetable substance.

On October 1, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23042. Adulteration of butter. U. S. v. Northern Creamery Co. Plea of guilty. Fine, \$75 and costs.** (F. & D. no. 32230. Sample no. 60517-A.)

This case was based on an interstate shipment of butter that was rancid, low in milk fat, and that contained filth.

On August 6, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Northern Creamery Co., a corporation, Great Falls, Mont., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 15, 1933, from the State of Montana into the State of Washington, of a quantity of butter that was adulterated.

The article was alleged to be adulterated in that it consisted in part of a filthy and decomposed animal and vegetable substance due to high rancidity, and the presence of such substances as coal, stone, straw, cloth fiber, human and animal hairs, wood and plant fiber, feather fiber, and insect excreta; and

in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On October 25, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23043. Adulteration and misbranding of olive oil. U. S. v. Leonard Giacovelli (Bari Importing Co.). Judgment of guilty. Sentence, 30 days in jail. (F. & D. no. 32876. Sample no. 31486-A.)**

This case was based on a shipment of alleged olive oil which was found to consist chiefly of domestic cottonseed oil. Sample cans taken from the shipment were found to contain less than 1 gallon, the volume declared on the label.

On October 30, 1934, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Leonard Giacovelli, trading as the Bari Importing Co., Cortland, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 20, 1933, from the State of New York into the State of Pennsylvania, of a quantity of alleged olive oil which was adulterated and misbranded. The article was labeled in part: "Madonna Brand Olio Puro D'Oliiva Finissimo \* \* \* Madonna Imp. Co., New York."

The article was alleged to be adulterated in that cottonseed oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted practically wholly for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements in Italian and English, "Olio Puro D'Oliiva Finissimo Prodotto Garentito Quest' Olio Di Olive E Assolutamente Puro E Insuperabile Per uno di cucina e Medicinale. Noi garantiamo la sua Purezza Sotto Qualsiasi Analisi Chimica—This Olive Oil is Absolutely Pure, and is Unexcelled for Table and Medicinal use. We Guarantee its Purity Under Any Chemical Analysis. Extra 1 \* \* \* Madonna Imp. Co. New York", together with designs of olives and olive branches, and the statement "Net Contents One Gallon", borne on the cans, were false and misleading and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, in that the said statements and designs represented that the article consisted solely of pure olive oil, that it was imported from a foreign country by the Madonna Importing Co., of New York, N. Y., and that the cans each contained 1 gallon; whereas it was principally domestic cottonseed oil and the cans contained less than 1 gallon. Misbranding was alleged for the further reason that the article was an imitation of another article, namely, olive oil, and was offered for sale under the distinctive name of another article, olive oil.

On October 30, 1934, the defendant was arraigned, and was adjudged guilty and sentenced to 30 days in jail on each of the two counts, the sentences to run concurrently.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23044. Adulteration of butter. U. S. v. 3 Barrels of Butter. Default decree of condemnation and destruction. (F. & D. no. 32931. Sample no. 62369-A.)**

A sample of butter taken from the shipment involved in this case was found to contain animal hairs, insects and parts of insects, portions of feathers, and nondescript debris.

On June 25, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three barrels of butter at Middletown, Md., alleging that the article had been shipped in interstate commerce on or about June 18, 1934, by Bentzel's Poultry and Egg House, from York, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 7, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23045. Adulteration of butter. U. S. v. 68 Cartons of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32938. Sample no. 66514-A.)**

This case involved a shipment of butter, samples of which were found to contain mold, dust, ants, fragments of insects, and other extraneous matter.

On June 14, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 68 cartons, each containing 32 pounds of butter, at New Orleans, La.

On June 19, 1934, a supplemental libel was filed amending the original libel. It was alleged in the libel as amended that the article had been shipped in interstate commerce on or about June 2, 1934, by the Fort Worth Poultry & Egg Co., Inc., from Fort Worth, Tex., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Armour's Star Quality Cloverbloom \* \* \* Butter \* \* \* Armour Creameries—Chicago—Distributors."

The product was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 5, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23046. Adulteration of butter. U. S. v. 1 Can and 1 Can of Butter. Default decrees of condemnation and destruction. (F. & D. nos. 32958, 32959. Sample nos. 70615-A, 70621-A.)**

Samples of butter taken from the shipments involved in these cases were found to contain parts of insects, human, rodent, and cow hairs, and other extraneous matter.

On June 12 and June 28, 1934, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of two cans of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 31 and June 18, 1934, by Standard Supply Co., from Christiansburg, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 3 and July 16, 1934, no claimant having appeared, judgment of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23047. Misbranding of peanut butter. U. S. v. 49 Cases of Peanut Butter. Product ordered released under bond to be relabeled. (F. & D. no. 33003. Sample no. 72392-A.)**

Sample jars of peanut butter taken from the shipment involved in this case were found to contain less than 1 pound, the weight declared on the label.

On June 27, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cases of peanut butter at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce, on or about August 7, 1933, by the National Fruit Canning Co., from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Jar) "Contents One Lb. Valamont Brand Peanut Butter National Fruit Canning Co., Seattle, Wash."

The article was alleged to be misbranded in that the statement on the label, "Contents One Lb.," was false and misleading and tended to deceive and mislead the purchaser, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

The National Fruit Canning Co. filed a claim and answer admitting the allegations of the libel, paid court costs, and petitioned release of the product under bond for relabeling. On July 14, 1934, judgment was entered permitting its release and ordering that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*



**23048. Misbranding of olive oil. U. S. v. 27 Tins, et al., of Olive Oil. Default decrees of condemnation and forfeiture. Product ordered destroyed or delivered to charitable institutions.** (F. & D. nos. 33043, 33051, 33052. Sample nos. 73547-A, 73548-A, 73549-A.)

Sample cans of olive oil taken from the shipments involved in these cases were found to contain less than 1 gallon, the volume declared on the label.

On July 3, 5, and 7, 1934, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 65 cans of olive oil at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about November 23, 1933, March 24 and June 4, 1934, by Parodi Erminio & Co., Inc., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Olive Oil Net Contents One Gallon", a portion being further labeled, "Peco Brand."

The article was alleged to be misbranded in that the statement on the label, "Net Contents One Gallon", was false and misleading and tended to deceive and mislead the purchaser; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On August 17, 1934, no claimant having appeared, judgments of condemnation and forfeiture were entered, and the court ordered that the product be destroyed or distributed to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23049. Adulteration and misbranding of olive oil. U. S. v. 28 Tins of Olive Oil. Default decree of condemnation and forfeiture. Product ordered destroyed or delivered to charitable institutions.** (F. & D. no. 33063. Sample no. 73555-A.)

This case involved a shipment of alleged olive oil that was found to consist of a mixture of domestic cottonseed oil, sesame oil, and olive oil. Sample cans examined were found to contain less than 1 gallon, the labeled volume.

On July 17, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 tins of olive oil at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about March 13, 1934, by the Metropolitan Grocery, from Seattle, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Leonetta Brand Extra Virgin Olive Oil Contents One Full Gallon Highest Quality Metropolitan Grocery Co. Amerlino & Sons, Seattle, U.S.A. Distributors."

The article was alleged to be adulterated in that a mixture of domestic cottonseed oil, sesame oil, and olive oil, had been substituted for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Extra Virgin Olive Oil \* \* \* Highest Quality" and "Questo Olio E Garantito Pure D'Oliiva", together with the design of Italian national colors and the picture of a girl under a tree supposedly bearing ripe olives, which statements and designs appeared on the label, were false and misleading and tended to deceive and mislead the purchaser, since they implied that the article was pure olive oil; whereas it was not. Misbranding was alleged for the further reason that the article purported to be a foreign product, when not so; for the further reason that it was offered for sale under the distinctive name of another article; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "Contents One Full Gallon" was incorrect.

On October 22, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and the court ordered that the product be destroyed or distributed to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23050. Adulteration of crab meat. U. S. v. 1 Barrel and 986 Cans of Crab Meat. Default decrees of condemnation and forfeiture.** (F. & D. nos. 33067, 33429. Sample nos. 4623-B, 4872-B.)

These cases involved shipments of crab meat which was found to contain filth.

On July 11 and September 7, 1934, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the

Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of 1 barrel and 986 cans of crab meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about July 7 and September 3, 1934, by the Reuther's Seafood Co., Inc., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 22 and October 4, 1934, no claimant having appeared, judgments of condemnation and forfeiture were entered, and it was ordered that the product be disposed of in such manner as would not violate the provisions of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23051. Adulteration of butter. U. S. v. 18-60 # Tubs of Butter. Default decree of condemnation and destruction.** (F. & D. no. 33068. Sample no. 62368-A.)

A sample of butter taken from the shipment involved in this case was found to contain animal hairs, mites, skipper eggs, portion of feather, and nondescript debris.

On June 25, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18-60# tubs of butter at Middletown, Md., alleging that the article had been shipped in interstate commerce on or about June 20, 1934, by J. H. Turner & Co., from Roanoke, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From J. H. Turner & Co. East Arcade Market Roanoke Va."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 7, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23052. Adulteration of crab meat. U. S. v. 24 Cans and 1 Barrel of Crab Meat. Default decrees of condemnation and forfeiture.** (F. & D. nos. 33082, 33089. Sample nos. 4635-B, 4645-B.)

These cases involved quantities of crab meat which was found to contain filth.

On July 13 and July 16, 1934, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of 24 cans and 1 barrel of crab meat at Washington, D. C., alleging that the article was in possession of the Potomac Fish Co. and Herzog's Seafood Restaurant, Washington, D. C., and was being offered for sale in the District of Columbia, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 22, 1934, no claimant having appeared, judgments of condemnation and forfeiture were entered, and it was ordered that the product be disposed of in such manner as would not violate the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23053. Adulteration of crab meat. U. S. v. 55 Cans and 70 Cans of Crab Meat. Default decree of condemnation and forfeiture.** (F. & D. no. 33088. Sample no. 4644-B.)

This case involved a shipment of crab meat which was found to contain filth.

On July 16, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 125 cans of crab meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about July 13, 1934, by McMenamin & Co., Inc., from Hampton, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 22, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be disposed of in such manner as would not violate the provisions of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23054. Adulteration of crab meat. U. S. v. 5 Barrels of Crab Meat. Default decree of condemnation and forfeiture. (F. & D. no. 33100. Sample no. 4648-B.)**

This case involved a shipment of crab meat which was found to contain filth.

On July 18, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of five barrels of crab meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about July 15, 1934, by V. S. Lankford & Co., from Hampton, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 22, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be disposed of in such manner as would not violate the provisions of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23055. Adulteration of crab meat. U. S. v. 5 Barrels and 1 Barrel of Crab Meat. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 33100, 33203. Sample nos. 4654-B, 6661-B.)**

These cases involved shipments of crab meat which was found to contain filth.

On July 20, 1934, the United States attorneys for the District of Columbia and the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed libels praying seizure and condemnation of 5 barrels of crab meat at Washington, D. C., and 1 barrel of crab meat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 17, 1934, by N. R. Coulbourne, from Hampton, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On August 9 and September 22, 1934, no claimant having appeared, judgments of condemnation and forfeiture were entered, and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23056. Adulteration and misbranding of brandy liqueurs. U. S. v. 7 Cases and 12 Bottles of Liqueur. Default decree of condemnation and destruction. (F. & D. no. 33126. Sample nos. 72288-A, 72290-A.)**

This case involved products labeled on the principal label as peach or blackberry brandy liqueurs. They consisted of mixtures of peach or blackberry brandy liqueur and neutral spirits.

On or about July 30, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 7 cases and 12 bottles of liqueur at Denver, Colo., consigned by Ed F. Hayes, Los Angeles, Calif., alleging that the articles had been shipped in interstate commerce on or about June 18, 1934, from Salt Lake City, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: (Principal label) "Larchmont, California Peach [or "Blackberry"] Brandy Liqueur full pint ninety proof, made and bottled by Ed F. Hayes, Los Angeles, California"; (back label) "Brandy Liqueur. This liqueur is produced with a true brandy base and neutral spirits, harmless coloring and flavor added."

The articles were alleged to be adulterated in that neutral spirits had been substituted in part for peach or blackberry brandy liqueur.

Misbranding was alleged for the reason that the statements, "Peach Brandy Liqueur" and "Blackberry Brandy Liqueur", were false and misleading and



tended to deceive and mislead the purchaser; and for the further reason that the articles were offered for sale under the distinctive names of other articles.

On September 8, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the products was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23057. Misbranding of canned peas. U. S. v. 1,000 Cases of Canned Peas. Decree of condemnation. Product released under bond to be relabeled.** (F. & D. no. 33142. Sample nos. 334-B, 392-B.)

This case involved a shipment of canned peas which fell below the standard established by this Department, because of the presence of excessive hard peas, and which was not labeled to show that it was substandard.

On July 28, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,000 cases of canned peas at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about June 16, 1934, by the Phillips Sales Co., from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Phillips Delicious Early June Peas \* \* \* Packed by Phillips Packing Company, Inc. Cambridge, Md."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of excessive hard peas, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On August 10, 1934, the Phillips Sales Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23058. Adulteration of crab meat. U. S. v. 100 Cans of Crab Meat. Default decree of condemnation and forfeiture.** (F. & D. no. 33148. Sample no. 4666-B.)

This case involved a shipment of crab meat which was found to contain filth.

On July 28, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 100 cans of crab meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about July 25, 1934, by Amory & Holloway, from Hampton, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 22, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be disposed of in such manner as would not violate the provisions of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23059. Adulteration of frozen eggs. U. S. v. 212 Cans of Frozen Whole Eggs. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. no. 33151. Sample no. 210-B.)

This case involved a shipment of frozen eggs that were found to be in part decomposed.

On August 3, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 212 cans of frozen eggs at Denver, Colo., consigned by the Omaha Cold Storage Co., Omaha, Nebr., alleging that the article had been shipped in interstate commerce, on or about May 23, 1934, from Omaha, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On September 11, 1934, the Omaha Cold Storage Co., having appeared as claimant and having admitted the allegations of the libel, judgment of con-

demnation and forfeiture was entered, and it was ordered that the product be released under bond, conditioned that it should not be disposed of in violation of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23060. Misbranding of canned tuna. U. S. v. 108 Cases and 25 Cases of Canned Tuna. Decrees of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. nos. 33160, 33161. Sample no. 63231-A.)

These cases involved a product consisting of so-called scrap meat or tuna flakes which was labeled to convey the impression that it was solid-pack tuna.

On August 6, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 133 cases of canned tuna at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce from Wilmington, Calif., on or about June 26, 1934, and that it was misbranded in violation of the Food and Drugs Act. The shipment was made by the Halfhill Co., Ltd., Los Angeles. The article was labeled in part: "Better-Than-Chicken Brand Fancy White Tuna [picture showing contents of a can of solid-pack tuna] Packed in Japan \* \* \* For Halfhill Packing Corporation, Inc. Long Beach, Calif. \* \* \* Flakes", the word "Flakes" being inconspicuous.

The article was alleged to be misbranded in that the statement "Fancy White Tuna" and the picture of contents of a can of solid-pack tuna were false and misleading and tended to deceive and mislead the purchaser, and the impression given by the said statement and picture was not corrected by the inconspicuous word "Flakes."

On August 31, 1934, George Bornet, Philadelphia, Pa., having appeared as claimant, judgments of condemnation and forfeiture were entered, and it was ordered that the product be released under bond, conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23061. Misbranding of apple jack brandy. U. S. v. 172 Bottles of Old Hunt Club Apple Jack Brandy. Decree of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. no. 33177. Sample no. 4675-A.)

This case involved a shipment of apple jack brandy that was short volume. The product was labeled, "90 proof", but was found to be 77.5 proof.

On August 8, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 172 bottles of apple jack brandy at Washington, D. C., alleging that the article had been shipped in interstate commerce, on or about June 7, 1934, by the Old Prescription Co., Inc., from Jersey City, N. J., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Old Hunt Club Apple Jack Brandy Net Contents One Pint Alcoholic Contents 90 Proof \* \* \* Old Prescription Company, Inc. New York."

The article was alleged to be misbranded in that the statements on the bottle label, "Net Contents One Pint Alcoholic Contents 90 proof", were false and misleading and tended to deceive and mislead the purchaser; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On August 11, 1934, the Old Prescription Co., having appeared as claimant, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released under bond conditioned that it be relabeled in a manner approved by this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23062. Misbranding of salad oil. U. S. v. 26 Cans of Salad Oil. Default decree of condemnation. Product delivered to charitable institutions.** (F. & D. no. 33179. Sample no. 6599-B.)

This case involved a product consisting chiefly of domestic cottonseed oil, with olive oil odor and flavor, that was labeled to convey the impression that it was olive oil.

On or about August 10, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 26 cans of salad oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce, on or about December 18, 1933, by the Agash Refining Corporation, from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Extra Fine Oil San Gennaro Brand Contains Virgin Olive Oil Fifteen Per Cent. Other Vegetable Oils Eighty Five Per Cent. With Harmless Color & Flavor. Perfected by the packers of Agash Olive Oil One Gallon. \* \* \* Agash Refining Corp. Brooklyn, N. Y.", the words "Agash Olive Oil" being prominent.

The article was alleged to be misbranded in that the statements, "Extra Fine Oil", "Olio Extra Fino", and "The Olive Oil contained in this can is pressed from fresh picked fruit", together with the prominent statement "Agash Olive Oil", were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was olive oil; whereas it consisted chiefly of domestic cottonseed oil, and the said statements were not corrected by the inconspicuous reference in script to the presence of 85 percent of other vegetable oil. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On September 11, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23063. Misbranding of salad oil. U. S. v. 12 Cans of Salad Oil. Consent decree of condemnation. Product delivered to charitable institutions.** (F. & D. no. 33180. Sample no. 6600-B.)

This case involved a product that was labeled to convey the impression that it was olive oil, but which consisted of domestic cottonseed oil and olive oil. Sample cans taken from the lot were found to contain less than 1 gallon, the volume declared on the label.

On or about August 10, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cans of salad oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce, on or about May 21, 1934, by the Uddo Taormina Corporation, from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Gallon Extra Fine Oil Mariuccia Brand Pure Olive Oil Twenty Per Cent Best Quality of Vegetable Oil Eighty Per Cent \* \* \* Superfine Olive \* \* \* Oil [similar statements in Italian]."

The article was alleged to be misbranded in that the statements on the label, "Pure Olive Oil", "Puro Olio D'Oliiva", "Extra Fine Oil", and "Olio Extra Fino", and the design of an olive branch on the label, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the product was olive oil, whereas it consisted of domestic cottonseed oil and olive oil. Misbranding was alleged for the further reason that the statement "One Gallon", on the label, was false and misleading and tended to deceive and mislead the purchaser; for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was incorrect; and for the further reason that it was offered for sale under the distinctive name of another article.

On August 29, 1934, no claim having been entered for the property, judgment of condemnation was entered and it was ordered that the product be delivered to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23064. Adulteration of crab meat. U. S. v. 2 Barrels, et al., of Crab Meat. Default decrees of condemnation and destruction.** (F. & D. nos. 33183, 33196, 33200. Sample nos. 4821-B, 4836-B, 4844-B.)

These cases involved interstate shipments of crab meat which was found to contain filth.

On July 18, July 26, and August 1, 1934, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 7 barrels and 1 box of crab meat at Baltimore, Md., alleging that the article had been shipped



in interstate commerce on or about July 16, July 23, and July 28, 1934, by the New Bern Seafood Co. (one shipment in the name of L. B. Travis), from New Bern, N. C., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 24, September 1, and September 7, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22065. Adulteration of butter. U. S. v. 1 Can of Butter. Default decree of condemnation and destruction.** (F. & D. no. 33192. Sample no. 62371-A.)

A sample of butter taken from the shipment involved in this case was found to contain parts of insects, animal hair, mold, pieces of fiber, and miscellaneous debris.

On July 2, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one can of butter at Middletown, Md., alleging that the article had been shipped in interstate commerce on or about June 28, 1934, by Smith Bros. from North Garden, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From Smith Bros. \* \* \* North Garden, Va."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 7, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22066. Adulteration of butter. U. S. v. 1 Can of Butter. Default decree of condemnation and destruction.** (F. & D. no. 33193. Sample no. 62370-A.)

A sample of butter taken from the shipment involved in this case was found to contain insects, parts of insects, animal hair, maggots, mold, and nondescript debris.

On July 2, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one can of butter at Middletown, Md., alleging that the article had been shipped in interstate commerce on or about June 28, 1934, by J. M. Fray & Co., from Barboursville, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From J. M. Fray & Company \* \* \* Advance Mills, Virginia."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 6, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22067. Adulteration of butter. U. S. v. 1 Can and 1 Tub of Butter. Default decree of condemnation and destruction.** (F. & D. no. 33194. Sample no. 4707-B.)

A sample of butter taken from the shipment involved in this case was found to contain rodent hairs, human hairs, parts of insects, a maggot, mold, paper, and nondescript debris.

On July 17, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one can and one tub of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 17, 1934, by Yost Bros., from Barrackville, W. Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Yost Bros. \* \* \* From Barrackville, W. Va."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 7, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23068. Adulteration of crab meat. U. S. v. 1 Barrel and 2 Boxes of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 33195, 33198. Sample nos. 4831-B, 4841-B.)**

These cases involved interstate shipments of crab meat which was found to contain filth.

On July 23 and 28, 1934, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of one barrel and two boxes of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 19 and 26, 1934, by Luckham & Dameron from Weems, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 24 and September 30, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23069. Adulteration of crab meat. U. S. v. 1 Barrel and 43 Cans of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 33197, 33375. Sample nos. 4837-B, 10516-B.)**

These cases involved interstate shipments of crab meat that was found to contain filth.

On July 26 and August 17, 1934, the United States attorney for the District of Maryland and Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 1 barrel of crab meat at Baltimore, Md., and 43 cans of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 23, 1934, and August 16, 1934, by O. R. Mills Fisheries, from Seaford, Va., and charging adulteration in violation of the Food and Drugs Act.

The libels alleged adulteration with respect to a portion in that it consisted of a filthy animal substance and with respect to the remainder in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 29 and October 9, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23070. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 33199. Sample no. 4825-B.)**

This case involved an interstate shipment of crab meat which was found to contain filth.

On July 19, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 16, 1934, by the Coston Co., Inc., from Hampton, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On August 21, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23071. Adulteration of crab meat. U. S. v. 1 Barrel and 1 Barrel of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 33201, 33206. Sample nos. 6640-B, 6654-B.)**

These cases involved interstate shipments of crab meat which was found to contain filth.

On July 16 and July 19, 1934, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of two barrels of crab meat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 12 and July 16, 1934, by Zack Windsor & Co., from Deals Island, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On August 3 and August 9, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23072. Adulteration of crab meat. U. S. v. 2 Barrels and 1 Barrel of Crab Meat. Default decrees of condemnation and destruction.** (F. & D. nos. 33202, 33495. Sample nos. 6655-B, 16622-B.)

These cases involved interstate shipments of crab meat that was found to contain filth.

On July 19 and September 4, 1934, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of three barrels of crab meat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 16 and August 29, 1934, by E. L. Watkins, from Hampton, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On August 9 and September 20, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23073. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction.** (F. & D. no. 33204. Sample no. 6650-B.)

This case involved an interstate shipment of crab meat which contained filth.

On July 18, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 14, 1934, by F. H. Ayres & Son, from Portsmouth, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On August 3, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23074. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction.** (F. & D. no. 33205. Sample no. 6638-B.)

This case involved an interstate shipment of crab meat which contained filth.

On July 16, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 12, 1934, by Hampton Crab Co., from Hampton, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On August 3, 1934, no claimant having appeared judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23075. Adulteration of crab meat. U. S. v. 1 Barrel, et al., of Crab Meat. Default decree of condemnation and destruction.** (F. & D. nos. 33207, 33333, 33334, 33376, 33377, 33415, 33463, 33464, 33467, 33496. Sample nos. 6642-B, 6687-B, 6688-B, 7279-B, 7280-B, 7282-B, 7285-B, 7297-B, 7298-B, 16621-B.)

These cases involved shipments of crab meat which was found to contain filth.

On July 16, August 2, 15, 17, 20, 30, and September 4, 1934, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 10 barrels of crab meat at New York, N. Y., alleging that the



article had been shipped in interstate commerce between the dates of July 12 and August 29, 1934, by P. K. Hunt & Sons, from Hampton, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

Between the dates of August 3 and September 20, 1934, no claimant having appeared, judgments of condemnation and forfeiture were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23076. Adulteration of blueberries. U. S. v. 99 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 33209. Sample no. 5611-B.)**

This case involved a shipment of blueberries which were infested with maggots.

On July 24, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 crates of blueberries at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about July 23, 1934, by Michael M. Minor, from Kelayres, Pa., charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 27, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23077. Adulteration of blueberries. U. S. v. 20 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 33210. Sample no. 5423-B.)**

This case involved a shipment of blueberries which were infested with maggots.

On July 24, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 crates of blueberries at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about July 23, 1934, by Kostick Bros., from Hazleton, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 27, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23078. Adulteration of blueberries. U. S. v. 10 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 33211. Sample no. 5612-B.)**

This case involved a shipment of blueberries which were infested with maggots.

On July 24, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 crates of blueberries at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about July 23, 1934, by T. J. Monaghan, from Audenried, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 29, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23079. Adulteration of blueberries. U. S. v. 66 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 33212. Sample no. 5613-B.)**

This case involved a shipment of blueberries which were infested with maggots.

On August 24, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district

court a libel praying seizure and condemnation of 66 crates, each containing 32 quart cups of blueberries, at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about July 23, 1934, by Sol Bros., from Kelayres, Pa., and charging adulteration in violation of the Food and Drugs Act. A small card reading "Lofty-Saladigo's Selected Brand" was packed in some of the cups.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 27, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23080. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 33213. Sample no. 5601-B.)**

This case involved a shipment of blueberries which were infested with maggots.

On July 20, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five crates of blueberries at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about July 18, 1934, by P. Lippman, from Centralia, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 29, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23081. Misbranding of canned peas. U. S. v. 725 Cases and 100 Cartons of Canned Peas. Decrees of condemnation. Product released under bond for relabeling. (F. & D. nos. 33241, 33249. Sample nos. 490-B, 494-B, 499-B.)**

These cases involved canned peas that were substandard because of an excessive quantity of mature peas, and which were not labeled to show that they were substandard.

On August 9 and August 14, 1934, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 725 cases and 100 cartons of canned peas at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about June 30, 1934, by Wm. Silver & Co., from Aberdeen, Md., and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "Satisfaction Brand Early June Peas Grade C Quality \* \* \* Wm. Silver & Co., Aberdeen, Md., Distributors." The remainder was labeled: "Family Brand Early June Peas \* \* \* Packed by D. E. Foote & Company, Inc., Baltimore, Md."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of the presence of an excessive number of mature peas, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On August 24, 1934, Wm. Silver & Co., and D. E. Foote & Co., Inc., having appeared as claimants for respective portions of the product, judgments of condemnation were entered and it was ordered that the product be released to the claimants under bond conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23082. Misbranding of canned peas. U. S. v. 500 Cases and 500 Cases of Canned Peas. Product released under bond to be relabeled. (F. & D. no. 33242. Sample nos. 2204-B, 2205-B.)**

This case involved a shipment of canned peas that fell below the standard of fill of container established by the Secretary of Agriculture, and which were not labeled to indicate that they were substandard.

On August 11, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,000 cases of canned peas at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about June 29, 1934, by Gibbs & Co., Inc., from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled in part: "Gibbs Early June Peas \* \* \* Gibbs & Co., Inc., Distributor, Baltimore, Md."

The article was alleged to be misbranded in that it was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture, because of excess brine, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On September 4, 1934, Gibbs & Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant under bond conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23083. Adulteration and misbranding of cocoa dust powder. U. S. v. 3 Bags of Cocoa Dust Powder. Default decree of condemnation and destruction. (F. & D. no. 33244. Sample no. 6578-B.)**

This case involved a product invoiced as cocoa dust powder that was found to contain excess shell, dirt, and sand.

On or about August 14, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3 bags of cocoa dust powder at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about May 25, 1934, by the Webster Cocoa & Chocolate Mills, Inc., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a substance containing excess shell, dirt, and sand, as indicated by high ash and crude fiber, had been mixed and packed with the article, so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 11, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23084. Misbranding of sweet mixed pickles. U. S. v. 10 Cases of Sweet Mixed Pickles. Default decree of condemnation. Product distributed to charitable institutions. (F. & D. no. 33248. Sample no. 6957-B.)**

This case involved a shipment of pickles that were not properly labeled to indicate the quantity of the contents. The label bore the printed statement, "Contents 32 Oz." An attempt, however, had been made to stamp an "x" over the figures "32" and stamp the figures "25" under the abbreviation "Oz." Both the "x" and "25" were too indistinct to be seen except on the closest scrutiny. The average net volume was found to be 24.93 fluid ounces. The product contained undeclared benzoate of soda.

On or about August 16, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of mixed pickles at Meriden, Conn., alleging that the article had been shipped in interstate commerce, on or about July 17, 1934, by the Union County Pickle Co., from Elizabeth, N. J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Marco Brand Sweet Mixed Pickles \* \* \* Union County Pickle Co., Inc."

The article was alleged to be misbranded in that it was labeled so as to deceive and mislead the purchaser, owing to failure to declare added benzoate of soda. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and



conspicuously marked on the outside of the package, since the quantity of contents statement was ambiguous, incorrect, and not declared in terms of the largest unit.

On September 11, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23085. Misbranding of confectionery. U. S. v. 7 Cases and 5 Cases of Confectionery. Default decrees of condemnation and destruction.** (F. & D. no. 33257. Sample nos. 6587-B, 6588-B.)

This case involved shipments of toffee consisting of 7 cases of rum and butter flavor, and 5 cases of various flavors, including rum and butter. Examination showed that the rum and butter toffee contained imitation rum flavor and little or no butter; that the packages contained less than 1 pound, the weight indicated by the display placards, and that they contained less than 15¼ ounces, the weight declared on the containers.

On or about August 20, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cases of confectionery at New Haven, Conn., alleging that the article had been shipped in interstate commerce, on or about July 12 and July 21, 1934, by Scharf Bros. Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cellophane package) "Park & Tilford Toffee One Pound With Wrappers Net Wt. 15¼ ozs. Park & Tilford, New York Paris"; (wrapper on individual pieces) "Park & Tilford Rum & Butter (etc.) Toffee"; (display placards) "Park & Tilford Rum & Butter [or "assorted"] Toffee 29¢ Pound."

The article was alleged to be misbranded in that the statements, (cellophane packages) "One Pound" "Net Wt. 15¼ ozs.", (display placards) "Toffee 29¢ Pound", and (wrapper of individual pieces of 7-case lot and part of remaining lot) "Rum & Butter Toffee", were false and misleading and tended to deceive and mislead the purchaser, since the packages contained less than 1 pound, and contained less than 15¼ ounces; the package sold for 29 cents contained less than 1 pound; and the rum and butter toffee contained imitation rum flavor and little or no butter. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was incorrect, and for the further reason that a portion of the said confectionery was offered for sale under the distinctive name of another article, "Rum & Butter Toffee."

On September 11, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23086. Adulteration of crab meat. U. S. v. 125 Cans, et al., of Crab Meat. Default decrees of condemnation and forfeiture.** (F. & D. nos. 33282, 33291, 33303. Sample nos. 4699-B, 5051-B, 5052-B.)

These cases involved quantities of crab meat which was found to contain filth.

On August 20, 21, and 24, 1924, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying seizure and condemnation of 483 cans of crab meat at Washington, D. C., alleging that portions of the article were in possession of the Great Atlantic & Pacific Tea Co., and were being sold and offered for sale in the District of Columbia; that a portion had been shipped in interstate commerce on or about August 19, 1934, by W. G. Ruark & Co., from Belhaven, N. C., into the District of Columbia, and that the article was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 20, 1934, no claimant having appeared, judgments of condemnation and forfeiture were entered, and it was ordered that the product be disposed of in such manner as would not violate the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23087. Adulteration of tomato puree. U. S. v. 19 Cases of Tomato Puree. Consent decree of condemnation and destruction. (F. & D. no. 33286. Sample no. 6964-B.)**

This case involved a shipment of tomato puree that contained excessive mold.

On or about August 23, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases of tomato puree at Hartford, Conn., alleging that the article had been shipped in interstate commerce, on or about October 21, 1933, by the Oswego Preserving Co., from Holley, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Oswego Brand Tomato Puree \* \* \* Oswego Preserving Co., Oswego, N. Y., Distributors."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On September 14, 1934, the Oswego Preserving Co. having consented to the entry of a decree, judgment of condemnation was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23088. Adulteration of butter. U. S. v. 20 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. no. 33315. Sample no. 66567-A.)**

This case involved a shipment of butter that contained mold, ants, insects, and other filth.

On July 7, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 tubs of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about June 22, 1934, by E. L. Bruce Co., from Bruce, Miss., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 18, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23089. Adulteration and misbranding of butter. U. S. v. 17 Cases of Butter. Default decree of condemnation and destruction. (F. & D. no. 33316. Sample no. 6256-B.)**

This case involved a shipment of butter that contained filth, and that was not labeled to show the quantity of the contents.

On or about July 21, 1934, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 cases of butter at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce, on or about July 7, 1934, by the Murray Milk Products Co., from Union City, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended. Subsequently an amendment to the libel was filed charging that the article was also adulterated.

The article was alleged to be adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged in that the article was food in package form and did not bear a statement of the quantity of the contents plainly and conspicuously marked on the outside of the package.

On August 15, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23090. Adulteration of butter. U. S. v. 37 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. no. 33317. Sample no. 11110-B.)**

This case involved a shipment of butter that contained less than 80 percent of milk fat.

On August 3, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about July 28, 1934, by the Enterprise City Creamery, from

Enterprise, Oreg., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of butterfat had been substituted for butter, a product which should contain not less than 80 percent of butterfat as provided by the act of Congress of March 4, 1923.

On August 8, 1934, the Enterprise City Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$650, conditioned that it be reworked so that it conform to the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23091. Adulteration of butter. U. S. v. 18 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked.** (F. & D. no. 33318. Sample no. 11109-B.)

This case involved a shipment of butter that contained less than 80 percent of milk fat.

On August 3, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 26, 1934, by the Bitter Root Creamery, from Stevensville, Mont., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of butterfat as provided by the act of Congress of March 4, 1923.

On August 8, 1934, the Bitter Root Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23092. Adulteration of butter. U. S. v. 16 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked.** (F. & D. no. 33320. Sample no. 10426-B.)

This case involved a shipment of butter that contained less than 80 percent of milk fat.

On August 10, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 tubs of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 8, 1934, by the Elliott Ice Co., Inc., from Charlottesville, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On August 15, 1934, the Elliott Ice Co., Inc., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the amount of \$400, conditioned that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23093. Adulteration of butter. U. S. v. 1 Can, More or Less, of Butter. Default decree of condemnation and destruction.** (F. & D. no. 33328. Sample no. 6547-B.)

Samples of butter taken from the shipment involved in this case were found to contain mold, larvae, human and rodent hairs, and/or other extraneous matter.

On August 6, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the



district court a libel praying seizure and condemnation of one can, more or less, of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 30, 1934, by Butler Produce Co., from Coshocton, Ohio, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 24, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23094. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked.** (F. & D. no. 33329. Sample no. 6932-B.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On July 28, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about July 19, 1934, by the Nebraska Cooperative Creamery Co., from Omaha, Nebr., for the Newman Grove Cooperative Creamery Co., of Newman Grove, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On August 15, 1934, the Ewing Cooperative Creamery, Inc., Ewing, Nebr., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23095. Adulteration of butter. U. S. v. 85 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked.** (F. & D. no. 33330. Sample no. 7227-B.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On August 7, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 85 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about July 27, 1934, by the Central Western Shippers Association, from Dyersville, Iowa, for the Holy Cross Creamery Co., of North Buena Vista, Iowa, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a substance containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On August 16, 1934, the Holy Cross Creamery Co., North Buena Vista, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23096. Adulteration of crab meat. U. S. v. 15 Cans, et al., of Crab Meat. Consent decrees of condemnation and destruction.** (F. & D. nos. 33335, 33336, 33338. Sample nos. 5550-B, 5551-B, 5557-B.)

These cases involved interstate shipments of crab meat which was found to contain filth.

On August 3 and August 6, 1934, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 15 cans and 5 cans of crab meat at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 30 and August 1, 1934, by

Tilghman Packing Co., from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 6 and August 7, 1934, the consignees having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23097. Adulteration of crab meat. U. S. v. 22 Cans of Crab Meat. Consent decree of condemnation and destruction. (F. & D. no. 33337. Sample no. 5552-B.)**

This case involved an interstate shipment of crab meat which was found to contain filth.

On August 3, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cans of crab meat at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 30, 1934, by Wallace M. Quinn Co., from Crisfield, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 6, 1934, the consignee having consented to the destruction of the product, judgment was entered ordering that it be condemned and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23098. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 33339. Sample no. 4905-B.)**

This case involved an interstate shipment of crab meat which was found to contain filth.

On August 3, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 31, 1934, by G. T. Elliott, Inc., of Hampton, Va., from Old Point, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On September 7, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23099. Adulteration of crab meat. U. S. v. 67 Cans and 22 Cans of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 33340, 33501. Sample nos. 5792-B, 10645-B.)**

These cases involved interstate shipments of crab meat that contained filth.

On August 10 and September 5, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 89 cans of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 8 and September 3, 1934, by Frey & Jarboe, from Tilghman, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On October 9, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23100. Adulteration of huckleberries. U. S. v. 2 Crates of Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 33341. Sample no. 5832-B.)**

The case involved a shipment of huckleberries which were infested with maggots.

On August 2, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in

the district court a libel praying seizure and condemnation of two crates of huckleberries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 2, 1934, by L. C. Powell, from Pittsville, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 29, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23101. Adulteration of huckleberries. U. S. v. 92 Quarts of Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 33342. Sample no. 5831-B.)**

This case involved a shipment of huckleberries which were infested with maggots.

On August 2, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 92 quarts of huckleberries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 2, 1934, by R. Purnell, from Pittsville, Md., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 29, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23102. Adulteration of huckleberries. U. S. v. 7 Crates of Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 33343. Sample no. 7008-B.)**

This case involved a shipment of huckleberries that were infested with maggots.

On August 1, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven crates of huckleberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 31, 1934, from Hammonton, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 16, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the products was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23103. Adulteration of blueberries. U. S. v. 6 Crates and 2 Crates of Blueberries. Default decrees of condemnation and destruction. (F. & D. nos. 33344, 33349. Sample nos. 5661-B, 5666-B.)**

These cases involved shipments of blueberries which were infested with maggots.

On August 2 and 3, 1934, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of eight crates of blueberries at Rochester, N. Y., alleging that the article had been shipped in interstate commerce on or about July 31 and August 2, 1934, by Joseph Bender, from Audenried, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 29, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23104. Adulteration of blueberries. U. S. v. 4 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 33345. Sample no. 5659-B.)**

This case involved a shipment of blueberries which were infested with maggots.

On August 2, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the



district court a libel praying seizure and condemnation of four crates of blueberries at Rochester, N. Y., alleging that the article had been shipped in interstate commerce on or about July 31, 1934, by E. J. Mackin, from Audenried, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 29, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23105. Adulteration of blueberries. U. S. v. 10 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33346. Sample no. 5658-B.)**

This case involved a shipment of blueberries which were infested with maggots.

On August 2, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 crates of blueberries at Rochester, N. Y., alleging that the article had been shipped in interstate commerce on or about July 31, 1934, by A. S. Evancho, from Audenried, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 27, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23106. Adulteration of blueberries. U. S. v. 10 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 33347. Sample no. 5663-B.)**

This case involved a shipment of blueberries which were infested with maggots.

On August 3, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 crates of blueberries at Rochester, N. Y., alleging that the article had been shipped in interstate commerce on or about August 2, 1934, by J. Zuber, from Bernice, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 29, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23107. Adulteration of blueberries. U. S. v. 3 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 33350. Sample no. 5660-B.)**

This case involved a shipment of blueberries which were infested with maggots.

On August 2, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three crates of blueberries at Rochester, N. Y., alleging that the article had been shipped in interstate commerce on or about July 31, 1934, by Chas. Druian, from Hazleton, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 29, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23108. Adulteration of blueberries. U. S. v. 4 Crates, et al., of Blueberries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 33351, 33353, 33384, 33401, 33440. Sample nos. 5669-B, 5672-B, 14319-B, 14424-B, 14425-B, 15027-B.)**

These cases involved shipments of blueberries which were infested with maggots.

On August 8, 9, and 16, 1934, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 56 crates of blueberries at Buffalo, N. Y. On August 17 and 23, 1934, libels were filed in the District of Massachusetts against 159 crates of blueberries at Boston and Springfield, Mass. It was alleged in the libels that the article had been shipped in interstate commerce by W. C. Robinson, from Harrington, Maine, and that it was adulterated in violation of the Food and Drugs Act. The shipments were made between the dates of August 6 and August 22, 1934.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 29 and September 11, 1934, no claimant having appeared, judgments of condemnation and forfeiture were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23109. Adulteration of blueberries. U. S. v. 6 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 33352. Sample no. 5671-B.)**

This case involved a shipment of blueberries which were infested with maggots.

On August 9, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six crates of blueberries at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about August 8, 1934, by A. Grossinger, from Tobyhanna, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 29, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23110. Adulteration of blueberries. U. S. v. 12 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 33354. Sample no. 5665-B.)**

This case involved a shipment of blueberries which were infested with maggots.

On August 3, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 crates of blueberries at Rochester, N. Y., alleging that the article had been shipped in interstate commerce on or about August 1, 1934, by Jos. Kuzo, Hazleton, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 29, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23111. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 33355. Sample no. 5664-B.)**

This case involved a shipment of blueberries which were infested with maggots.

On August 3, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five crates of blueberries at Rochester, N. Y., alleging that the article had been shipped in interstate commerce on or about August 2, 1934, by John Thomas, from Audenried, Pa., charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 27, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23112. Adulteration of blueberries. U. S. v. 5 Crates, et al., of Blueberries. Default decrees of forfeiture and destruction.** (F. & D. nos. 33356, 33358, 33359, 33360, 33361. Sample nos. 5398-B, 5398-B, 5399-B, 5400-B, 14401-B, 14402-B.)

These cases involved shipments of blueberries which were infested with maggots.

On August 1, 2, and 3, 1934, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 34 crates of blueberries at Boston, Mass., consigned in various lots on or about July 31, August 1, and August 2, 1934, alleging that the article had been shipped in interstate commerce by Leach & Lait, from Bangor and Bucksport, Maine, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 21, 1934, no claimant having appeared, judgments of forfeiture were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23113. Adulteration of blueberries. U. S. v. 13 Crates and 22 Crates of Blueberries. Default decree of forfeiture and destruction.** (F. & D. nos. 33357, 33362. Sample nos. 14413-B, 14416-B.)

These cases involved shipments of blueberries which were infested with maggots.

On August 13 and 14, 1934, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 35 crates of blueberries at Boston, Mass., consigned August 12 and 14, 1934, alleging that the article had been shipped in interstate commerce by John Greenrose of West Rockport, Maine, from Camden, Maine, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 11, 1934, no claimant having appeared, judgments of forfeiture were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23114. Adulteration of blueberries. U. S. v. 16 Crates of Blueberries. Default decree of forfeiture and destruction.** (F. & D. no. 33363. Sample no. 14419-B.)

This case involved a shipment of blueberries which were infested with maggots.

On August 16, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 crates of blueberries at Boston, Mass., consigned on or about August 15, 1934, from West Rockport, Maine, alleging that the article had been shipped in interstate commerce by A. F. Heald, of Lincolnville, Maine, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 11, 1934, no claimant having appeared, judgment of forfeiture was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23115. Adulteration of blueberries. U. S. v. 72 Crates of Blueberries. Default decree of condemnation and destruction.** (F. & D. no. 33371. Sample no. 6708-B.)

This case involved a shipment of blueberries which were infested with maggots.

On August 10, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 9, 1934, by J. Gullick, from Mahanoy City, Pa., and charging adulteration in violation of the Food and Drugs Act.



It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 24, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23116. Adulteration of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 33380. Sample no. 7246-B.)**

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On August 13, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about August 2, 1934, by the Iowa Falls Creamery Co., from Iowa Falls, Iowa, shipping for the Alden Cooperative Creamery Co., Alden, Iowa, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On August 17, 1934, the Alden Cooperative Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23117. Adulteration and misbranding of butter. U. S. v. 2 Cases of Butter. Default decree of condemnation and destruction. (F. & D. no. 33382. Sample no. 4177-B.)**

This case involved a shipment of butter which contained mold, rodent hairs, insects, and other filth. The product was also deficient in milk fat.

On August 7, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two cases of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about July 24, 1934, by the Lexington Ice & Creamery Co., from Lexington, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Butter."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance. Adulteration was alleged for the further reason that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the statement on the label, "Butter", was false and misleading.

On September 7, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23118. Adulteration of blueberries. U. S. v. 12 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 33383. Sample no. 15029-B.)**

This case involved a shipment of blueberries which were infested with maggots.

On August 16, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 crates of blueberries at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about August 14, 1934, by Welton Lozier, from Machias, Maine, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 10, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23119. Adulteration of candy. U. S. v. 14 Boxes of Liberty Rolls. Default decree of condemnation and destruction.** (F. & D. no. 33385. Sample no. 7320-B.)

This case involved a shipment of candy that was insect-infested.

On August 29, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 boxes of candy at Scranton, Pa., alleging that the article had been shipped in interstate commerce, on or about May 15, 1934, by the Leaf Candy (Manufacturing) Co., Inc., from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Liberty Rolls Manufactured by The Leaf Candy Mfg. Co., Inc., New York."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 21, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23120. Adulteration of candy. U. S. v. 29 Boxes of Lemon Coconut Bars. Default decree of condemnation and destruction.** (F. & D. no. 33386. Sample no. 7321-B.)

This case involved a shipment of candy that was insect-infested.

On August 29, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 boxes of candy at Scranton, Pa., alleging that the article had been shipped in interstate commerce, on or about May 24, 1934, by the Virginia Peanut Products Co., Inc., from Brooklyn, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Lemon Coconut Bars Virginia Peanut Products Co., Inc., Brooklyn, N. Y."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 21, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23121. Adulteration of crab meat. U. S. v. 84 Cans of Crab Meat. Default decree of condemnation and forfeiture.** (F. & D. no. 33389. Sample no. 4868-B.)

This case involved a shipment of crab meat which was found to contain filth.

On August 31, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 84 cans of crab meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about August 27, 1934, by Winstead-Bloxom-Jones Co., Inc., from Newport News, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 22, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be disposed of in such manner as would not violate the provisions of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23122. Adulteration of butter. U. S. v. 1 Can and 2 Cans of Butter. Default decrees of condemnation and destruction.** (F. & D. nos. 33403, 33451. Sample nos. 2824-B, 3201-B.)

These cases involved shipments of butter, samples of which were found to contain less than 80 percent of milk fat. The article was also found to be filthy.

On August 17 and 23, 1934, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of three cans of butter

at Cincinnati, Ohio, consigned about August 14 and August 20, 1934, alleging that the article had been shipped in interstate commerce, by C. P. Gevedon, from Panama, Ky., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance; and in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

No claim having been entered for the property and the consignee having recommended that, in view of its perishable nature, it be destroyed immediately, judgments were entered nunc pro tunc as of August 20 and 23, 1934, ordering that it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23123. Adulteration of butter. U. S. v. 2 Tins of Butter. Default decree of condemnation and destruction.** (F. & D. no. 33404. Sample no. 6548-B.)

This case involved a shipment of butter that contained rodent and human hairs, mold, larvae, and other filth.

On August 15, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two tins, containing 177 pounds of butter, at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about August 6, 1934, by the Richmond Hide & Fur Co., from Richmond, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On September 1, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.* \*

**23124. Adulteration of butter. U. S. v. 22 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked.** (F. & D. no. 33405. Sample no. 7255-B.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On August 22, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about August 13, 1934, by the Fauquier Creameries, Inc., from Marshall, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On August 31, 1934, the Fauquier Creameries, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released under a bond in the sum of \$500, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23125. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction.** (F. & D. no. 33416. Sample no. 7286-B.)

This case involved an interstate shipment of crab meat which was found to contain filth.

On August 20, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 16, 1934, by Rollins, Carmines & Co., from Hampton, Va., and charging adulteration in violation of the Food and Drugs Act.



It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 17, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23126. Misbranding of olive oil. U. S. v. 100 Cases of Olive Oil. Consent decree of condemnation. Product released under bond to be relabeled or repacked. (F. & D. no. 33428. Sample no. 421-B.)**

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than 4 fluid ounces, the labeled volume.

On September 7, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of olive oil at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about August 11, 1934, by the Pompeian Olive Oil Corporation, from Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Contents 4 Fl. Ozs. Pompeian Virgin Pure Imported Olive Oil."

The article was alleged to be misbranded in that the statement on the label, "Contents 4 Fl. Ozs.", was false and misleading and tended to deceive and mislead the purchaser; and in that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 13, 1934, the Pompeian Olive Oil Corporation, Baltimore, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released to the claimant under bond, conditioned that it be relabeled or repacked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23127. Adulteration of blueberries. U. S. v. 33 Crates, et al., of Blueberries. Default decrees of condemnation and destruction. (F. & D. nos. 33436, 33437, 33438. Sample nos. 7485-B, 7486-B, 7487-B.)**

These cases involved shipments of blueberries which were infested with maggots.

On August 23 and 24, 1934, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 83 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 21, 1934, by F. S. Sawyer, from Harrington, Maine, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 17, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23128. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of forfeiture and destruction. (F. & D. no. 33439. Sample no. 14437-B.)**

This case involved a shipment of blueberries which were infested with maggots.

On August 27, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five crates of blueberries at Boston, Mass., consigned on or about August 26, 1934, alleging that the article had been shipped in interstate commerce by Roland Gray, from South Brooksville, Maine, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 11, 1934, no claimant having appeared, judgment of forfeiture was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23129. Adulteration of blueberries. U. S. v. 19 Crates and 23 Crates of Blueberries. Default decrees of condemnation and destruction.** (F. & D. nos. 33441, 33442. Sample nos. 2152-B, 2153-B.)

These cases involved shipments of blueberries which were infested with maggots.

On August 18, 1934, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 42 crates of blueberries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 15, 1934, by R. A. Plummer, from Harrington, Maine, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid substance.

On October 8, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23130. Adulteration of crab meat. U. S. v. 2 Barrels of Crab Meat. Default decree of condemnation and destruction.** (F. & D. no. 33443. Sample no. 7288-B.)

This case involved an interstate shipment of crab meat which was found to contain filth.

On August 24, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two barrels of crab meat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 20, 1934, by W. G. Ruark & Co., from Belhaven, N. C., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 17, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23131. Misbranding of cucumber chips. U. S. v. 140 Cases of Cucumber Chips. Consent decree of condemnation. Product released under bond to be relabeled.** (F. & D. no. 33461. Sample no. 419-B.)

Sample jars of cucumber chips taken from the shipment involved in this case were found to contain less than 1 pound 4 ounces, the weight declared on the label.

On September 13, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 140 cases of cucumber chips at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about September 3, 1934, by W. R. Rayle, from Pasadena, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Jar) "Braden's Fancy Grade A Cucumber Chips Net Weight 1 Lb. 4 Oz. Braden's California Products, Inc., New York, N. Y., Distributors."

The article was alleged to be misbranded in that the statement on the label, "Net Weight 1 Lb. 4 Oz.," was false and misleading and tended to deceive and mislead the purchaser, since the jars were short of the declared net weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 26, 1934, Braden's California Products, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled to declare the net weight as "1 Lb. 2 Oz."

M. L. WILSON, *Acting Secretary of Agriculture.*

**23132. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction.** (F. & D. no. 33462. Sample no. 7287-B.)

This case involved an interstate shipment of crab meat which contained filth.

On August 24, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of one barrel of crab meat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 20, 1934, by H. C. Horseman, from Hampton, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 17, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23133. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction.** (F. & D. no. 33465. Sample no. 13977-B.)

This case involved an interstate shipment of crab meat which was found to contain filth.

On August 23, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 20, 1934, by J. H. Fleming & Co., from Portsmouth, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 23, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23134. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction.** (F. & D. no. 33466. Sample no. 4861-B.)

This case involved an interstate shipment of crab meat which was found to contain filth.

On August 23, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 20, 1934, by M. J. McPherson & Co. from Lynnhaven, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 25, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23135. Adulteration of pears. U. S. v. 516 Bushel Baskets, et al., of Pears. Decrees of condemnation. Product released under bond conditioned that deleterious ingredients be removed.** (F. & D. nos. 33374, 34097. Sample nos. 2003-B, 2006-B, 3663-B, 3664-B, 3665-B.)

These cases involved shipments of pears that had arsenic and lead on them.

On August 13 and 21, 1934, the United States attorneys for the District of Minnesota and the Eastern District of Wisconsin, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 516 baskets of pears at Minneapolis, Minn., and 197 bushels of pears at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce by the Grand Junction Fruit Growers Association, from Grand Junction, Colo., the former on or about August 4, 1934, and the latter on or about August 11, 1934, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On August 15 and 22, 1934, the R. B. Crutchfield Brokerage Co., of Minneapolis, Minn., and the Grand Junction Fruit Growers Association, Grand Junction, Colo., having appeared as claimants in the respective cases, judgments of condemnation were entered and it was ordered that the pears be released under bond, conditions that they be cleaned so as to remove the poisonous ingredients.

M. L. WILSON, *Acting Secretary of Agriculture.*



**23136. Adulteration of pears. U. S. v. 335 Baskets of Pears. Consent decree of condemnation and destruction. (F. & D. no. 33481. Sample no. 10026-B.)**

This case involved a shipment of pears that were found to have arsenic and lead on them.

On or about August 18, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 335 baskets of apples at Dallas, Tex., alleging that the article had been shipped in interstate commerce, on or about August 8, 1934, by the Triway Brokerage Co., from Caryhurst, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Grown and packed by No. 15 J. B. Ferguson, Provo, Utah."

The article was alleged to be adulterated in that examination showed the presence of poisonous and deleterious ingredients, arsenic and lead.

On September 5, 1934, the interested parties having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23137. Adulteration of blueberries. U. S. v. 9 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 33482. Sample no. 16602-B.)**

This case involved a shipment of blueberries which were infested with maggots.

On August 20, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 16, 1934, by Jack Pushaw, from Union, Maine, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 17, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23138. Adulteration of butter. U. S. v. 21 Boxes of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. no. 33484. Sample no. 7260-B.)**

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On August 27, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 boxes of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about August 11, 1934, by the Red 73 Creamery, Inc., from Union City, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Creamery Butter Red 7s Creamery Inc., Union City, Indiana."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as required by the act of Congress of March 4, 1923.

On September 12, 1934, Kurtin & Kurtin, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released to the claimant under bond, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23139. Adulteration of butter. U. S. v. 30 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. no. 33485. Sample no. 7256-B.)**

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On August 18, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 80 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about August 9, 1934, by the Iowa Valley Creamery Co., from Marengo, Iowa, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On August 29, 1934, the Iowa Valley Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23140. Adulteration of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked.**  
(F. & D. no. 33486. Sample no. 7257-B.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On August 22, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about August 4, 1934, by the Canton Creamery Co., from Canton, S. Dak., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On August 28, 1934, the Canton Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23141. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked.**  
(F. & D. no. 33492. Sample no. 16702-B.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On August 31, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about August 17, 1934, from Dubuque, Iowa, by agent of the Clarksville Creamery Co., Clarksville, Iowa, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On September 18, 1934, the Clarksville Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23142. Adulteration of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked.**  
(F. & D. no. 33493. Sample no. 16711-B.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On September 1, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in

the district court a libel praying seizure and condemnation of 10 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce by the Hills Cooperative Creamery Association, as agent for the Farmers Cooperative Creamery Co., George, Iowa, arriving at New York, on or about August 28, 1934, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On September 7, 1934, the Farmers Cooperative Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent by weight of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23143. Adulteration and misbranding of potatoes. U. S. v. 2 Cars of Potatoes. Consent decree of condemnation. Product released under bond to be relabeled.** (F. & D. no. 33499. Sample nos. 18853-B, 18854-B.)

This case involved a shipment of potatoes that were labeled, "U. S. Grade No. 1", which were found to be below the requirements of United States grade No. 1 potatoes because of excessive grade defects.

On September 15, 1934, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two cars of potatoes at Louisville, Ky., alleging that the article had been shipped in interstate commerce, on or about September 8, 1934, by the Owens Farms Co., from Wild Rose, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "Wisconsin Potatoes Owens Farm Co., Wild Rose, Wisconsin"; (tag) "U. S. Grade No. 1."

The article was alleged to be adulterated in that potatoes below the grade indicated on the label had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statement, "U. S. Grade Number One", borne on the tag, was false and misleading and tended to deceive and mislead the purchaser.

On September 18, 1934, Roy A. Klotz, trading as the R. A. Klotz Co., Louisville, Ky., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23144. Adulteration of butter. U. S. v. 2 Tins of Butter. Decree of destruction.** (F. & D. no. 33500. Sample no. 2821-B.)

This case involved a shipment of butter that was deficient in milk fat and filthy.

On August 21, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two 50-pound tins of butter at Cincinnati, Ohio, consigned about August 16, 1934, alleging that the article had been shipped in interstate commerce, by Hornsby & Co., from Burning Springs, Ky., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance, and in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

No claim having been entered for the property, and the consignee having recommended that, in view of its perishable nature, it be destroyed immediately, judgment was entered nunc pro tunc as of August 21, 1934, ordering that it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*



**22145. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 33564. Sample no. 5088-B.)**

This case involved an interstate shipment of crab meat that was found to contain filth.

On August 20, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at York, Pa., alleging that the article had been shipped in interstate commerce, on or about August 15, 1934, by the Hoffman Sea Food Co., of Wenona, Md., from Deal's Island, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 12, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22146. Adulteration of apples. U. S. v. 89 Bushels of Apples. Decree of destruction. (F. & D. no. 33742. Sample no. 19327-B.)**

Examination of the apples involved in this case showed the presence of lead.

On September 28, 1934, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 89 bushels of apples at Louisville, Ky., alleging that the article had been shipped in interstate commerce, on or about September 25, 1934, from the South Haven Fruit Exchange, South Haven, Mich., by Joe Russo, of Louisville, Ky., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained lead, an added poisonous or deleterious ingredient, which might have rendered it injurious to health.

On October 13, 1934, no claim having been entered, and the consignee having recommended that the apples be destroyed because they were spoiled and unfit for human consumption, judgment was entered ordering their immediate destruction.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22147. Adulteration and misbranding of wheat gray shorts and screenings. U. S. v. Star Mill & Elevator Co., Inc. Plea of guilty. Fine, \$2 and costs. (F. & D. no. 33754. Sample no. 18526-A.)**

This case was based on an interstate shipment of alleged wheat gray shorts and screenings which consisted of wheat brown shorts and screenings. The product was found to contain more crude fiber than declared on the label.

On September 19, 1934, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Star Mill & Elevator Co., Inc., a corporation, Hennessey, Okla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 28, 1933, from the State of Oklahoma into the State of Texas, of a quantity of wheat gray shorts and screenings which were adulterated and misbranded. The article was labeled in part: (Tag) "Wheat Gray Shorts & Screenings \* \* \* Manufactured by Star Mill & Elevator Company, Hennessey, Oklahoma, Guaranteed Analysis: \* \* \* Crude Fiber not more than 6.00 Per Cent."

The article was alleged to be adulterated in that a mixture of wheat brown shorts and screenings had been substituted for wheat gray shorts and screenings, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Wheat Gray Shorts & Screenings \* \* \* Guaranteed Analysis \* \* \* Crude Fiber not more than 6.00 Per Cent", borne on the tag, was false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was wheat brown shorts and screenings, and contained more than 6 percent of crude fiber.

On September 25, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$2 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23148. Adulteration of cauliflower. U. S. v. 106 Crates of Cauliflower. Default decree of condemnation and destruction. (F. & D. no. 34095. Sample no. 17821-B.)**

This case involved a shipment of cauliflower which was found to contain arsenic.

On October 3, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 106 crates of cauliflower at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 2, 1934, by Alex. Slivonik, from Hamilton Square, N. J., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it harmful to health.

On October 23, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23149. Misbranding of alfalfa molasses feed. U. S. v. 400 Bags of Alfalfa Molasses Feed. Decree of condemnation and forfeiture. Product released under bond to be properly labeled. (F. & D. no. 34096. Sample no. 8155-B.)**

This case involved a shipment of feed which was not labeled with a plain and conspicuous statement showing the quantity of the contents.

On or about September 12, 1934, the United States attorney for the District of Kansas, acting upon a report by the Kansas State Board of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 bags of alfalfa molasses feed at Clay Center, Kans., alleging that the article had been shipped in interstate commerce, on or about August 31, 1934, by the Gee Bee Mills Co., from So. St. Joseph Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

The article was alleged to be misbranded in that the bags bore no mark, brand, or label showing the net weight.

On September 14, 1934, the product was ordered delivered to the claimant, the Gee Bee Mills Co., under a bond conditioned that it be labeled "100 lbs. net", and that each bag contain 100 pounds net. On November 5, 1934, judgment of condemnation and forfeiture was entered and the bond was ordered exonerated upon payment of costs, the conditions having been fully complied with.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23150. Adulteration of apples. U. S. v. 95 Bushels of Apples. Consent decree of condemnation and forfeiture. Product released under bond conditioned that deleterious ingredients be removed. (F. & D. no. 34130. Sample no. 19192-B.)**

Examination of the apples involved in this case showed the presence of arsenic and lead.

On or about September 29, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 95 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 1, 1934, by J. M. Benson, from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On October 11, 1934, the Louis Cohen Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered that the apples be released under bond conditioned that they be wiped or washed to remove the deleterious substances.

M. L. WILSON, *Acting Secretary of Agriculture.*

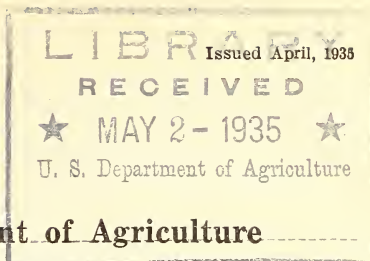
# NOTICES OF JUDGMENT 23026-23150

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Apple jack brandy. <i>See</i> Beverages and beverage bases.	
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Grossinger, A.-----	23109
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Lozier, Welton-----	23118
Mackin, E. J.-----	23104
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Brandy liqueurs. <i>See</i> Beverages and beverage bases.	
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Bruce, E. L. Co.-----	23088
Butler Produce Co.-----	23093
Canton Creamery Co.-----	23140
Central Western Shippers Association-----	23095
Clarksville Creamery Co.-----	23141
Elliott Ice Co., Inc.-----	23092
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Farmers Cooperative Creamery Co.-----	23142
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Fergus County Creamery-----	23033
Fort Worth Poultry & Egg Co., Inc.-----	23045
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	N. J. No.
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Nebraska Cooperative Creamery Co.-----	23094
Newman Grove Cooperative Creamery Co.-----	23094
Northern Creamery Co.-----	23042
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Richmond Hide & Fur Co.-----	23123
Smith Bros.-----	23065
Standard Supply Co.-----	23046
Swift & Co.-----	23032
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Slivonik, Alex.-----	23148
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Webster Cocoa & Chocolate Mills, Inc.-----	23083
Coffee:	
Abel Coffee Co., Inc.-----	23027
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Virginia Peanut Products Co., Inc.-----	23120
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Halfhill Co., Ltd.-----	23060
Halfhill Packing Corporation, Inc.-----	23060
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Metropolitan Grocery Co.-----	23049
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	N. J. No.		N. J. No.
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Uddo Taormina Corporation--	23063	Coulbourne, N. R.-----	23055
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Pears:		Co.-----	23086
Grand Junction Fruit Grow-		Hampton Crab Co.-----	23074
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Ingraham Fruit & Cold Stor-		Hoffman Sea Food Co.-----	23145
age Co.-----	23036	Horseman, H. C.-----	23132
Small, E. S.-----	23036	Hunt, P. K., & Sons.-----	23075
Triway Brokerage Co.-----	23136	Lankford, V. S., & Co.-----	23054
Woodall, C. C., Co.-----	23036	Luckham & Dameron-----	23068
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Gibbs & Co., Inc.-----	23082	Mills, O. R., Fisheries-----	23069
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Phillips Sales Co.-----	23057	Potomac Fish Co.-----	23052
Silver, Wm., & Co.-----	23081	Quinn, Wallace M., Co.-----	23097
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Union County Pickle Co.-----	23084	Rollins, Carmines & Co.-----	23125
Potatoes:		Ruark, W. G., & Co.-----	23086, 23130
Owens Farm Co.-----	23043	Tilghman Packing Co.-----	23096
Prunes:		Travis, L. B.-----	23064
Jory, R. C.-----	23040	Watkus, E. L.-----	23072
Jory Packing Co.-----	23040	Windsor, Zack, & Co.-----	23071
canned:		Winstead-Bloxom-Jones Co.,	
Paulus Bros. Packing Co.-----	23035	Inc.-----	23121
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Coston Co., Inc.-----	23070	Tomato puree:	
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# United States Department of Agriculture

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

23151-23225

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 6, 1935]

**23151. Misbranding of canned grapefruit juice. U. S. v. Nassau Packing Co. and Soal S. Goffin. Pleas of nolo contendere. Fine, \$50. Soal S. Goffin sentenced to 3 months' imprisonment. Prison sentence suspended and defendant placed on probation for 3 years. (F. & D. no. 28186. I. S. nos. 11788, 21426, 22812.)**

Sample cans of grapefruit juice taken from each of the shipments in this case were found to contain less than the declared volume.

On April 22, 1933, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Nassau Packing Co., a corporation, and Soal S. Goffin, Jacksonville, Fla., alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, in various shipments on or about May 6, May 21, and July 15, 1931, from the State of Florida into the State of California, of quantities of grapefruit juice which was misbranded. The article was labeled in part: "Contents 1 Pt. 2 Flu. Ozs. \* \* \* Florida Chief Brand Pure Grape Fruit Juice Packed by the Grape Fruit Packing Company S. S. Goffin Jacksonville, Florida."

The article was alleged to be misbranded in that the statement "Contents 1 Pt. 2 Flu. Ozs.", borne on the label, was false and misleading and for the further reason that it was labeled so as to deceive and mislead the purchaser since each of a number of the cans contained less than 1 pint 2 fluid ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the cans contained less than declared.

On October 5, 1934, Soal S. Goffin individually and the corporation, through Goffin, entered pleas of nolo contendere and a fine of \$50 was imposed. Defendant Goffin was also sentenced to 3 months' imprisonment. The prison sentence was suspended and the defendant was placed on probation for 3 years.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23152. Adulteration of canned shrimp. U. S. v. The Nassau Packing Co., Inc. Plea of nolo contendere. Fine, \$50. (F. & D. no. 29378. I. S. nos. 12641, 12659, 12660.)**

This case was found on an interstate shipment of canned shrimp, samples of which were found to be decomposed or putrid.

On April 8, 1933, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Nassau Packing Co., Inc., a corporation, Jackson, Fla., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 11, 1931, from the State of Florida into the State of Oregon, of a quantity of canned shrimp which was adulterated.

The article was labeled in part: "Camarones Bella Cubana \* \* \* The Nassauville Packing Company, Nassauville, Florida."

The article was alleged to be adulterated in that it consisted in part of a decomposed and putrid animal substance.

On October 5, 1934, a plea of *nolo contendere* was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23153. Adulteration of canned shrimp. U. S. v. 43 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 31275. Sample no. 45306-A.)**

This case involved a shipment of canned shrimp which was found to be in part decomposed.

On October 30, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 cases of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about September 5, 1933, by the Mavar Fish & Oyster Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On November 2, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23154. Adulteration of apples. U. S. v. Pacific Fruit & Produce Co. Plea of guilty. Fine, \$10. (F. & D. no. 31485. Sample no. 31253-A.)**

This case was based on an interstate shipment of apples, examination of which showed the presence of arsenic and lead.

On April 28, 1934, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pacific Fruit & Produce Co., a corporation, Yakima, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 20, 1933, from the State of Washington into the State of Montana, of a quantity of apples which were adulterated. The article was labeled in part: "Winesap \* \* \* Grown and Packed by W. F. Nagler \* \* \* Washington."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On October 3, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23155. Adulteration and misbranding of preserves, and misbranding of imitation jams. U. S. v. Atlantic Food Products Co. Plea of *nolo contendere*. Sentence suspended and defendant placed on probation. (F. & D. no. 31511. Sample nos. 33509-A, 33510-A, 33512-A, 33513-A, 33515-A, 33516-A, 34946-A, 34947-A.)**

This case was based on interstate shipments of preserves which contained less fruit and more sugar and water than preserves contain and some of which contained added pectin or added pectin and acid. Several lots of imitation jams which were not clearly and plainly labeled "imitation" and which were short weight, also were involved.

On August 8, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Atlantic Food Products Co., a corporation, trading at Philadelphia, Pa., alleging shipment by said company in violation of the Food and Drugs Act, as amended, between the dates of July 7, 1932, and February 11, 1933, from the State of Pennsylvania into the State of New Jersey, of quantities of fruit preserves which were adulterated and misbranded and of quantities of imitation jams which were misbranded. The preserves were labeled in part: "Nature's Best \* \* \* Pure Strawberry [or "Raspberry"] Preserves Atlantic Food Products Co. Philadelphia." The jams were labeled in part: "Nature's Best 2 Lbs. Net Wt. Imitation Peach [or "Pineapple", "Apricot", "Strawberry", or "Raspberry"] Jam



Packed By Atlantic Presv'g Co. Philadelphia", the word "imitation" appearing in much smaller type than the words "Peach Jam", "Pineapple Jam, etc."

The preserves were alleged to be adulterated in that excessive amounts of sugar and water, in some instances, pectin, and in other instances, pectin and acid, had been mixed and packed with the articles so as to reduce, lower, and injuriously affect their quality; in that substances, namely, mixtures of fruit, sugar, and water, in some instances containing pectin, and in others, pectin and acid, and containing less fruit than is contained in preserves, had been substituted for strawberry and raspberry preserves, which the articles purported to be; and in that they had been mixed in a manner whereby inferiority was concealed.

Misbranding of the preserves was alleged for the reason that the statements, "Nature's Best Pure Strawberry [or "Raspberry"] Preserves", borne on the label, were false and misleading; for the further reason that the articles were labeled so as to deceive and mislead the purchaser; and for the further reason that they were offered for sale under the distinctive names of other articles. Misbranding of the jams was alleged for the reason that the statements, "Nature's Best \* \* \* imitation Peach [or "Pineapple", "Apricot", "Strawberry", "Raspberry"] Jam", borne on the labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, in that the statements in large conspicuous type, "Nature's Best Peach (etc) Jam", overshadowed the inconspicuous small-type word "imitation" in such manner that the articles were represented to be fruit jams; whereas they were imitations and the word "imitation" was not in an equal and as prominent size type as the name of the fruit. Misbranding of the jams was alleged for the further reason that the statement "2 Lbs. Net Wt." was false and misleading; for the further reason that they were labeled so as to deceive and mislead the purchaser; and for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since each of a number of the jars contained less than so declared.

On October 30, 1934, a plea of nolo contendere was entered on behalf of the defendant, and the court suspended sentence and placed the defendant on probation for 30 days.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23156. Adulteration and misbranding of preserves; and misbranding of cranberry jelly. U. S. v. P. Harold & Sons, Inc. Plea of nolo contendere. Defendant placed on probation.** (F. & D. no. 32106. Sample nos. 38087-A to 38095-A, incl., 38176-A to 38182-A, incl., 38188-A to 38194-A, incl.)

This case was based on various shipments of preserves which were short weight or which contained less fruit than preserves should contain, a majority of the lots being in violation of the law in both respects. Added water, pectin, and acid were found in certain of the preserves. There was also included one lot of cranberry jelly that was short weight. The net weight was not declared in proper form since it was not made in terms of the largest unit. One lot was in jars of 2-pound size, contained less than 2 pounds, and was labeled "12 Ounces."

On July 25, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against P. Harold & Sons, Inc., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the Food and Drugs Act as amended, between the dates of November 1, 1932, and April 15, 1933, from the State of Pennsylvania into the State of New Jersey, of quantities of preserves and cranberry jelly which were misbranded, the majority of the various lots of preserves being also adulterated. The preserves were labeled in part: "Kulp's J. W. K. Pure Preserves Blackberry [or "Strawberry", "Red Raspberry", "Cherry", or "Peach"] Net Weight 16 Oz. [or "32 Ozs." or "12 Ozs.]" Kulp Preserving Co. [or "P. Harold & Sons, Inc.]" Philadelphia, Pa." The cranberry jelly was labeled in part: "Kulp's Pure Jelly Cranberry Contents 18 ounces, Kulp Preserving Co."

The information charged adulteration of certain of the preserves in that products containing less fruit than preserves contain, and in some instances containing added water, pectin, and tartaric acid, had been substituted for strawberry, raspberry, cherry, or peach preserves; and in that they had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Pure Preserves Strawberry", "Pure Preserves Red Raspberry", "Pure Preserves Peach", and "Pure Preserves Cherry", borne on the labels of certain of the lots, were false and misleading and for the further reason that they were labeled so as to deceive and mislead the purchaser, since they were not preserves, but were products containing less fruit than preserves contain, and in some instances contained added water, pectin, and tartaric acid; and for the further reason that they were offered for sale under the distinctive names of other articles. Misbranding was further charged against certain of the lots of preserves and the lot of cranberry jelly in that the statements regarding the quantity of the contents, "Net Weight 16 Ozs.", "Net Weight 32 Ozs.", and "Contents 18 Ounces", borne on the labels, were false and misleading and for the further reason that the said lots were labeled so as to deceive and mislead the purchaser, since the jars contained less than declared on the label. Misbranding of practically all lots was alleged for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was incorrect and was not in proper form. Misbranding was alleged with respect to one lot of strawberry preserves for the reason that the package by its appearance and size constituted a false and misleading design or device regarding the quantity of the contents, since its size and capacity represented that it contained 2 pounds of the article, whereas it contained less than 2 pounds; and for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since it was labeled, "Net Weight 12 Ozs.", which was incorrect in that the package contained slightly in excess of 1 pound 14 ounces of the article.

On October 30, 1934, a plea of nolo contendere was entered on behalf of the defendant company. The sentence of the court was that the defendant be placed on probation for 30 days.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23157. Misbranding of butter. U. S. v. Armour & Co. (Armour Creameries.)** Plea of guilty. Fine, \$100. (F. & D. no. 32130. Sample no. 43260-A.)

Sample cartons of butter taken from the shipment involved in this case were found to contain less than 1 pound, the weight declared on the label.

On August 16, 1934, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Armour & Co., a corporation, trading as Armour Creameries, Fargo, N. Dak., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about June 6, 1933, from the State of North Dakota into the State of New Jersey, of a quantity of butter which was misbranded. The article was labeled in part: "Armour's Cloverbloom Full Cream Butter 1 Lb. Net Weight Armour Creameries. \* \* \* One Pound Net Weight."

The article was alleged to be misbranded in that the statements, "1 Lb. Net Weight" and "One Pound Net Weight", borne on the carton, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since each of a large number of the cartons contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 24, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23158. Adulteration of apple butter. U. S. v. National Fruit Product Co.** Plea of nolo contendere. Fine, \$100. (F. & D. no. 32207. Sample nos. 26550-A, 32532-A.)

This case was based on shipments of apple butter, samples of which were found to contain insects or insects and rodent hairs.

On July 11, 1934, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Fruit Product Co., a corporation, Winchester, Va., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 13 and September 27, 1932,



from the State of Virginia into the State of Maryland, of quantities of apple butter which was adulterated. A portion of the article was labeled: "Mt. Vernon Brand Apple Butter National Fruit Product Company, Incorporated, Washington, D. C." The remainder was labeled: "Suntint Apple Butter Cumberland Valley Fruit Products Co., Martinsburg, W. Va."

The article was alleged to be adulterated in that it consisted in part of a filthy vegetable and animal substance.

On October 22, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23159. Adulteration of canned salmon. U. S. v. Cook Inlet Packing Co.**  
Plea of guilty. Fine, \$50 and costs. (F. & D. no. 32219. Sample nos. 55307-A, 55320-A.)

This case was based on an interstate shipment of canned salmon, samples of which were found to be tainted or stale.

On August 14, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Cook Inlet Packing Co., a corporation, Seattle, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 29, 1933, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon which was adulterated. The article was labeled in part: (Case) "Cook Inlet Packing Co., Seattle."

The article was alleged to be adulterated in that it consisted in part of a decomposed and putrid animal substance.

On October 3, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23160. Adulteration of canned salmon. U. S. v. Bartlett H. Claghorn (Salmon Exchange), and Union Fishermen's Cooperative Packing Co.** Pleas of guilty. Fines, \$400. Sentences suspended. (F. & D. no. 32221. Sample nos. 55797-A, 55798-A, 55799-A, 64126-A, 64128-A.)

Samples of canned salmon taken from the shipment involved in this case were found to be tainted, stale, or putrid.

On September 21, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bartlett H. Claghorn, trading as the Salmon Exchange at Astoria, Oreg., and the Union Fishermen's Cooperative Packing Co., a corporation, Astoria, Oreg., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about May 29, 1933, from the State of Oregon into the State of Illinois, of a quantity of canned salmon which was adulterated. A portion of the article was labeled: "Oceanic Brand Columbia River Salmon \* \* \* Packed by Union Fishermen's Co-op, Pkg. Co. Astoria, Ore." The remainder was labeled: "Blue Seal Salmon \* \* \* Distributed by Arthur Anderson Fish Co., Astoria, Ore."

The information charged adulteration of the article in that it consisted in part of a decomposed and putrid animal substance.

On October 16, 1934, the defendants each entered a plea of guilty and were each sentenced to pay a fine of \$200. The fines were ordered suspended.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23161. Adulteration and misbranding of coffee. U. S. v. C. D. Kenny Co.**  
Plea of guilty. Fine, \$25. (F. & D. no. 32235. Sample no. 62126-A.)

This case was based on an interstate shipment of coffee that contained chicory.

On July 31, 1934, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against C. D. Kenny Co., a corporation, trading at Richmond and Norfolk, Va., alleging shipment by said company, on or about December 7, 1933, from the State of Virginia into the State of North Carolina, of a quantity of coffee which was adulterated and misbranded. The article was labeled in part: "Old North State Brand Coffee The Old Time Coffee With the Old Time Taste Packed Only for W. A. Davis, Conway, N. C."

The article was alleged to be adulterated in that chicory had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality



and strength, and had been substituted in part for coffee, which the article purported to be.

Misbranding was alleged for the reason that the statement on the label, "Coffee The Old Time Coffee With The Old Time Taste", was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it did not consist solely of coffee, but consisted in part of a substantial amount of chicory, and for the further reason that it was a mixture of coffee and chicory and was offered for sale under the distinctive name of another article, coffee.

On October 2, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23162. Adulteration and misbranding of jellies. U. S. v. 20 Cases and 10 Cases of Jellies. Default decrees of condemnation and destruction.** (F. & D. nos. 32391, 32562. Sample nos. 58734-A, 58735-A, 58736-A, 68829-A to 68832-A, incl.)

These cases involved shipments of alleged apple pectin fruit jellies of assorted flavors, which were found to consist of artificially flavored imitation jellies containing little or no juice of the distinguishing fruit, and in most instances containing artificial color.

On March 19 and April 18, 1934, the United States attorney for the District of Delaware, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 30 cases of assorted jellies at Wilmington, Del., alleging that the articles had been shipped in interstate commerce, in part on or about November 6, 1933, and in part on or about December 26, 1933, by the Atlantic Food Products Co., from Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: (Jars) "Morning Glory Apple Pectin Grape [or "Pineapple", "Raspberry", or "Strawberry"] Jelly \* \* \* Reeves Parvin & Co., Distributors."

The articles were alleged to be adulterated in that artificially flavored imitation fruit jellies containing little or no juice of grape, strawberry, raspberry, or pineapple, and in the case of the grape, strawberry, and a part of the raspberry, containing artificial color, had been substituted for apple pectin grape (etc.) jellies.

Misbranding was alleged for the reason that the statements on the labels, "Apple Pectin Grape [or "Pineapple", "Raspberry", or "Strawberry"] Jelly", were false and misleading and tended to deceive and mislead the purchaser; and for the further reason that the articles were offered for sale under the distinctive names of other articles.

On October 16, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23163. Adulteration of walnut meats. U. S. v. 3 Cases of Walnut Meats. Default decree of condemnation and destruction.** (F. & D. no. 32561. Sample nos. 60449-A, 60487-A.)

This case involved a shipment of walnut meats that were in part wormy, moldy, rancid, and decomposed.

On April 19, 1934, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three cases of walnut meats at Walla Walla, Wash., alleging that the article had been shipped in interstate commerce, on or about March 1, 1934, by Gray, McLean & Percy, from Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Pennant Brand California Walnuts."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On October 18, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23164. Misbranding of canned cherries. U. S. v. 22 Cases of Canned Cherries. Default decree of condemnation and destruction.** (F. & D. no. 32572. Sample no. 47561-A.)

This case involved a shipment of canned cherries that fell below the standard established by this Department, because of the presence of excessive pits, and which were not labeled to show that they were substandard.

On April 19, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cases of canned cherries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, from Portland, Oreg., on or about March 16, 1934, by the Eugene Fruit Growers Association, of Eugene, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Above par brand \* \* \* Water Pack Red Sour Pitted Cherries."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because it consisted of partially pitted cherries, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On November 1, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23165. Adulteration of butter. U. S. v. 4 Tubs of Butter. Default decree of condemnation and destruction.** (F. & D. no. 32628. Sample no. 47762-A.)

This case involved a shipment of butter that contained less than 80 percent of milk fat.

On March 3, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four tubs of butter at San Francisco, Calif., consigned by the Omaha Cold Storage Co., Omaha, Nebr., alleging that the article had been shipped in interstate commerce, on or about January 31, 1934, from Omaha, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On November 1, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23166. Adulteration of butter. U. S. v. 2 Barrels, et al., of Butter. Default decrees of destruction.** (F. & D. nos. 32640, 32641, 32647. Sample nos. 52402-A, 52403-A, 52404-A, 69046-A.)

These cases involved interstate shipments of butter that was found to contain filth.

On March 24, March 30, and April 3, 1934, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of several barrels or tubs, containing approximately 1,323 pounds of butter, at Kansas City Mo., alleging that the article had been shipped in interstate commerce, in part on or about March 5, 1934, and in part on or about March 16, 1934, by J. O. Thompson, from Iola, Kans., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On November 27, 1934, no claimant having appeared, judgments were entered ordering the product destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23167. Misbranding of peanut butter. U. S. v. 7¼ Cases and 19½ Dozen Jars of Peanut Butter. Default decree of condemnation. Product ordered delivered to charitable organizations, or destroyed.** (F. & D. no. 32720. Sample nos. 67975-A, 67976-A.)

Sample jars of peanut butter taken from the two lots involved in this case were found to contain less than the weight declared on the label. One lot was labeled to convey the misleading impression that it was packed by a firm other than the actual packer.

On May 18, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 7¼ cases and 19½ dozen jars of peanut butter at Scranton, Pa., alleging that the article



had been shipped in interstate commerce, on or about April 9, 1934, by the Williamson Candy Co., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Highlight Brand Peanut Butter Contents Six and One-Half Oz. [or "Twelve Oz."]." The statement, "Genter & Zeidler Co., Scranton, Pa.," appeared on the label of one lot and the statement, "Packed for Genter & Zeidler Co., Scranton, Pa.," appeared on the label of the other lot.

The article was alleged to be misbranded in that the statements, "Six and One-Half Oz." and "Twelve Oz.," appearing on the labels, were false and misleading and tended to deceive and mislead the purchaser in that the statement "Genter & Zeidler Co. Scranton, Pa.," on the label of the 6½-ounce size, was misleading since it created the impression that the product was packed by that firm, whereas it was not; and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On November 14, 1934, the case having been called and the sole intervenor having withdrawn its claim and answer, judgment of condemnation was entered and it was ordered that the product be offered to charitable or relief organizations in view of the fact that it was fit for human consumption, and that if it was not desired by such organizations it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23168. Misbranding of apple jelly. U. S. v. 200 Cases of Apple Jelly. Default decree of condemnation. Product delivered to charitable organization. (F. & D. no. 32721. Sample no. 61835-A.)**

Sample jars of apple jelly taken from the shipment in this case were found to contain less than the labeled weight.

On May 23, 1934, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of apple jelly at Houston, Tex., alleging that the article had been shipped in interstate commerce, on or about April 13, 1934, by C. H. Musselman, from Biglerville, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Glass) "Big Value Pure Apple Jelly Contents 14 Oz. Packed for Big Value Products Co., Houston, Texas."

The article was alleged to be misbranded in that the statement, "Big Value Pure Apple Jelly, Contents 14 Oz.," deceived and misled the purchaser as to the weight of the contents of the glasses. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On October 8, 1934, no claimant having appeared, judgment of condemnation was entered. On October 24, 1934, the product was ordered delivered to a charitable organization for distributing to the needy, since it was suitable for human consumption.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23169. Adulteration of dried grapes. U. S. v. 600 Cases of Dried Zinfandel Black Grapes. Default decree of condemnation and destruction. (F. & D. no. 32722. Sample no. 67790-A.)**

This case involved a shipment of dried grapes which were found to be in part decayed and fermented and to contain insect excreta.

On May 18, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cases of dried grapes at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about February 12, 1934, by the Federal Fruit Distributors, from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act.

Adulteration was charged in the libel in that the article consisted in whole or in part of a filthy and decomposed vegetable substance.

On October 26, 1934, the claimant was pronounced in default through failure to plead, and judgment of condemnation was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*



**23170. Adulteration of canned blueberries. U. S. v. Stephen D. Cousins and Charles C. Cousins, Jr. (S. D. & C. C. Cousins, Jr.). Plea of nolo contendere. Fine, \$50. (F. & D. no. 32875. Sample no. 58702-A.)**

This case was based on a shipment of canned blueberries that contained maggots. The article was falsely labeled as to the name of the manufacturer and place of manufacture.

On August 27, 1934, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Stephen D. Cousins and Charles C. Cousins, Jr., a partnership trading as S. D. & C. C. Cousins, Jr., Brooklin, Maine, alleging that on or about September 13, 1933, the defendants had delivered for shipment from Ellsworth, Maine, to Philadelphia, Pa., a quantity of canned blueberries which were adulterated and misbranded. The article was labeled in part: "Monmouth Brand Fancy Maine Blueberries \* \* \* Packed by Monmouth Canning Co., Portland, Maine."

The article was alleged to be adulterated in that it consisted in part of a filthy vegetable and animal substance, due to infestation with a large number of maggots.

Misbranding was alleged for the reason that the statement on the label, "Packed By Monmouth Canning Co., Portland, Maine", was false and misleading, since the article was packed by Stephen D. Cousins and Charles C. Cousins, Jr., at Brooklin, Maine.

On September 6, 1934, the defendants entered pleas of nolo contendere, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23171. Adulteration of butter. U. S. v. 11 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32941. Sample no. 7969-A.)**

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On June 15, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 boxes of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about June 2, 1934, by the Middle State Creameries, Inc., from Omaha, Nebr., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Breakstone's Best Sweet Butter."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On October 23, 1934, the Middle States Creameries, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released to the claimant under bond, conditioned that it be reworked so that it contain not less than 80 percent of butterfat.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23172. Misbranding of olive oil. U. S. v. 20 Tins of Olive Oil. Default decree of condemnation. Product ordered destroyed or delivered to charitable institutions. (F. & D. no. 33070. Sample no. 73551-A.)**

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than 1 gallon, the volume declared on the label.

On July 17, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 tins of olive oil at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about April 29, 1934, by Monteverdi, Rollandelli & Parodi, Inc., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

The article was alleged to be misbranded in that the statement "One Gallon Net Measure", borne on the label, was false and misleading and tended to deceive and mislead the purchaser; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On October 22, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed or delivered to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23173. Misbranding of tea. U. S. v. 28 Cartons of Tea. Consent decree of condemnation. Product released under bond to be relabeled.**  
(F. & D. no. 33078. Sample nos. 70206-A, 70254-A.)

This case involved a shipment of tea which was labeled "Orange Pekoe Tea", but which consisted of a mixture of East India tea and congou tea. Congou tea is not entitled to be labeled, "Orange Pekoe Tea."

On July 14, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 cartons, each containing 12 half-pound packages of tea, at Elizabeth, N. J., alleging that the article had been shipped in interstate commerce, on or about May 11, 1934, by the Consolidated Tea Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was originally labeled, "American House Ceylon Tea Fancy Orange Pekoe and Pekoe", but over the words "Ceylon Tea Fancy Orange Pekoe and Pekoe", and completely covering them had been pasted a sticker bearing in prominent letters the words, "Orange Pekoe Tea."

The article was alleged to be misbranded in that the statement on the package, "Orange Pekoe Tea", was false and misleading and tended to deceive and mislead the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article, "Orange Pekoe Tea."

On October 30, 1934, the Consolidated Tea Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled, "Java and China Tea."

M. L. WILSON, *Acting Secretary of Agriculture.*

**23174. Adulteration and misbranding of tomato paste. U. S. v. 618 Cases of Tomato Paste. Product ordered released under bond for relabeling.** (F. & D. no. 33122. Sample no. 63332-A.)

This case involved a shipment of tomato paste which was labeled to convey the impression that it was of foreign origin and had been manufactured from Italian type pear-shaped tomatoes, but which consisted of tomato paste of domestic manufacture, made from round tomatoes.

On July 30, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 618 cases of tomato paste at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about June 29, 1934, by the Harbor City Food Corporation, of Harbor City, Calif., from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Dias Brand Tomato Paste \* \* \* [design of pear-shaped tomatoes] Salsa di Pomodoro \* \* \* Sclafani Bros. Brooklyn, N. Y., Distributors."

The article was alleged to be adulterated in that a domestically manufactured tomato paste, made from ordinary round tomatoes, had been substituted for foreign tomato paste made from Italian type pear-shaped tomatoes.

Misbranding was alleged for the reason that the article purported to be a foreign product when not so, and for the further reason that the design of Italian pear-shaped tomatoes, borne on the label, was false and misleading when applied to tomato paste made from round tomatoes.

On October 16, 1934, Sclafani Bros., Brooklyn, N. Y., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be released to the claimants, under bond, conditioned that the labels be removed and that new correct labels be affixed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23175. Misbranding of canned tomatoes. U. S. v. 149 Cases of Canned Tomatoes. Default decree of condemnation and destruction.**  
(F. & D. no. 33125. Sample no. 2451-B.)

This case involved a shipment of canned tomatoes which were poor color and contained excessive peel. The product was labeled, "Fancy" and "Extra



Standards", whereas it should have been labeled to show that it was substandard.

On July 30, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 149 cases of canned tomatoes at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about June 14, 1934, by Lovett & Kirk, Inc., from Los Fresnos, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Los Fresnos Brand Fancy Hand Packed Tomatoes [or "Los Fresnos Brand Hand Packed Tomatoes Extra Standards"] \* \* \* Packed by Los Fresnos Packing Co., Los Fresnos, Texas." An attempt was made to delete the words "Fancy" and "Extra Standards" by pencil or red crayon, but the attempt was not successful and they remained conspicuous on the label.

The article was alleged to be misbranded in that the statements on the labels, "Fancy" and "Extra Standards", were false and misleading and tended to deceive and mislead the purchaser, when applied to a substandard product. Misbranding was alleged for the further reason that the article was canned food, and fell below the standard or quality and condition promulgated by the Secretary of Agriculture, because of poor color and excessive peel, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On October 8, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23176. Misbranding of canned peas. U. S. v. 650 Cases, et al., of Canned Peas. Consent decrees of condemnation. Product released under bond for relabeling.** (F. & D. nos. 33163, 33164, 33392, 33393. Sample nos. 481-B, 482-B, 502-B, 503-B.)

These cases involved canned peas that showed the presence of an excessive proportion of hard or mature peas and were not labeled to indicate that they were substandard.

On August 8, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,650 cases of canned peas at Los Angeles, Calif. On September 1, 1934, a libel was filed (amended November 12, 1934) against 1,850 cases of canned peas at Los Angeles, Calif. It was alleged in the libels that the article had been shipped in interstate commerce, by the Phillips Packing Co., in part on or about June 16, 1934, from Baltimore, Md., and in part on or about July 14, 1934, from Cambridge, Md., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Phillips Delicious Early June Peas \* \* \* Packed by Phillips Packing Co., Inc., Cambridge, Md."

The libels charged that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of the presence of excessive hard or mature peas and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On August 10 and November 14, 1934, the Phillips Sales Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered by the court that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23177. Misbranding of apple butter. U. S. v. 15 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction.** (F. & D. no. 33176. Sample no. 679-B.)

Sample jars of apple butter taken from the shipment in this case were found to contain less than 1 quart, the volume declared on the label.

On August 9, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of apple butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about July 25, 1934, from Portland, Oreg., and charging mis-



branding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Jar) "Royalty of the Table Kerr Apple Butter Kerr Conserving Co. Portland, Oregon Cont. One Quart."; (case) "One Doz. Quarts."

The article was alleged to be misbranded in that the statements, "Cont. One Quart" and "One Doz. Quarts", borne on the jar and case, respectively, were false and misleading and tended to deceive and mislead the purchaser; and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On October 6, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23178. Adulteration of cherries. U. S. v. 175 Baskets, et al., of Cherries. Default decrees of condemnation and destruction.** (F. & D. nos. 33214, 33215, 33218. Sample nos. 5784-B, 5785-B, 5824-B, 5825-B.)

Examination of the cherries involved in these cases showed the presence of arsenic and lead in one lot and lead in the other two.

On July 26 and July 27, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 593 baskets of cherries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, in part on or about July 24, 1934, by A. Sutterland, and in part on or about July 26, 1934, by H. Sutterland, from Interlaken, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, namely, arsenic and lead in one lot and lead in the other two lots, which might have rendered it harmful to health.

On August 29, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23179. Adulteration of cherries. U. S. v. 98 Baskets of Cherries. Default decree of condemnation and destruction.** (F. & D. no. 33217. Sample no. 5823-B.)

This case involved an interstate shipment of cherries which contained an excessive amount of lead.

On July 27, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 baskets of cherries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 27, 1934, by Yale Farms, from Romulus, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On August 29, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23180. Adulteration of seedless raisins. U. S. v. 65 Boxes of Seedless Raisins. Default decree of destruction.** (F. & D. no. 33254. Sample no. 3654-B.)

This case involved a shipment of seedless raisins that contained live and dead larvae, beetles, and other filth.

On August 14, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 65 boxes of seedless raisins at Rochester, Minn., alleging that the article had been shipped in interstate commerce, on or about February 6, 1934, by the Vagim Packing Co., from Fresno, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On October 15, 1934, no claimant having appeared, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23181. Misbranding of sirup. U. S. v. 5 Cases of Syrup. Default decree of condemnation and destruction. (F. & D. no. 33258. Sample no. 70429-A.)**

Sample cans of sirup taken from the shipment involved in this case were found to contain less than 1 gallon, the labeled volume. The product was an imitation maple sirup and was not so labeled.

On August 15, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cases of sirup at Jersey City, N. J., alleging that the article had been shipped in interstate commerce, on or about February 15, 1934, by Dryden & Palmer, Inc., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "D. & P. Gotham Syrup. A Blend of Pure Rock Candy Syrup and Imitation Maple Flavor Dryden & Palmer Incorporated, Brooklyn, New York. [embossed on can near top] 1 Gal."

Misbranding was alleged in that the statement on the can, "1 gal.", was false and misleading, since the cans contained less than 1 gallon; in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since it was not readily observed and the quantity stated was not correct; and in that it was an imitation of another article, namely, maple sirup, and was not so labeled.

On October 24, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23182. Adulteration and misbranding of canned asparagus cuts. U. S. v. 736 Cases of Asparagus Cuts. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 33279. Sample nos. 5802-B, 5803-B, 5804-B.)**

This case involved a product labeled to convey the impression that it consisted of cut asparagus, a term implying the presence of the entire edible portion of the stalk cut up. Examination showed that it contained no tips but consisted of butts and center pieces.

On August 18, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 736 cases of canned asparagus cuts at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, in various shipments or about June 8, June 15, and July 5, 1934, by John V. Sharp Canning Co., from Williamstown, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Violet Brand Green Asparagus Cuts \* \* \* Packed by John V. Sharp Canning Co., Williamstown, N. J."

The article was alleged to be adulterated in that butts and center pieces of asparagus had been substituted for cut asparagus stalks.

Misbranding was alleged for the reason that the statement on the label, "Asparagus Cuts", was false and misleading and tended to deceive and mislead the purchaser, when applied to a product containing hard fibrous pieces or butts and no tips.

On October 24, 1934, Comly, Flanigen Co., Inc., Philadelphia, Pa., having appeared as claimant, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23183. Adulteration and misbranding of macaroni. U. S. v. 25 Cases of Macaroni. Default decree of condemnation and destruction. (F. & D. no. 33285. Sample no. 6572-B.)**

This case involved a shipment of macaroni which was found to be insect-infested. Sample packages taken from the shipment were also found to contain less than 1 pound, the weight declared on the label. The product was labeled to convey the impression that it was manufactured by a firm other than the actual manufacturer.

On or about August 22, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of macaroni



at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about June 16, 1934, by the Victoria Fusille Co., from Long Island City, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Astuta Brand Macaroni Extra Quality. The Pepe-Maisano Co. New Haven, Conn., Net Contents one Lb."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

Misbranding was alleged in that the statement, "net contents one lb.", was false and misleading and tended to deceive and mislead the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the packages contained less than the declared weight. Misbranding was alleged for the further reason that the statement, "The Pepe-Maisano Co., New Haven, Conn." was false and misleading and tended to deceive and mislead the purchaser, since Victoria Fusille Co., of Long Island City, N. Y., was the manufacturer and not the Pepe-Maisano Co., of New Haven, Conn.

On October 16, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23184. Adulteration and misbranding of butter. U. S. v. 25 Cases and 21 Cases of Butter. Default decrees of condemnation and destruction. (F. & D. nos. 33319, 33381. Sample nos. 4180-B, 4182-B.)**

These cases involved shipments of two lots of butter that contained less than 80 percent of milk fat. One lot was not labeled to show the quantity of the contents.

On August 2 and August 7, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 46 cases of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about July 28, and July 29, 1934, by the Kraft-Phenix Cheese Corporation, from Water Valley, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. One lot was labeled: (Carton) "Chiffon Whipt Pure Butter \* \* \* Kraft-Phenix Cheese Corporation \* \* \* Chicago, Illinois"; (case) "Longino & Collins, Inc. New Orleans, La." The other was labeled: (Carton) "Country Rolls 2 Longino & Collins, Inc. New Orleans, La."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding of the "Whipt" butter was alleged for the reason that it was labeled "Butter", which was false and misleading, since it contained less than 80 percent of milk fat. Misbranding of the country-roll butter was alleged for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 19, 1934, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23185. Adulteration and misbranding of butter. U. S. v. 4 Cans of Butter. Default decree of condemnation. Product delivered to charitable institutions. (F. & D. no. 33322. Sample nos. 7230-B, 7231-B.)**

This case involved a shipment of butter that contained less than 80 percent of milk fat.

On August 7, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cans of butter at West New York, N. J., alleging that the article had been shipped in interstate commerce in or about August 3, 1934, by Meistrick & Goldenberg, Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Whipped Butter \* \* \* Whipped by Meistrick & Goldenberg, Inc. \* \* \* New York City."

The article was alleged to be adulterated in that a product containing less than 80 percent of milk fat had been substituted for butter, a product which



should contain not less than 80 percent of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged in that the statement, "butter", was false and misleading, since it contained less than 80 percent of milk fat.

On October 24, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23186. Adulteration of cherries. U. S. v. 22 Baskets of Cherries. Default decree of condemnation and destruction.** (F. & D. no. 33332. Sample no. 5833-B.)

This case involved an interstate shipment of cherries which contained excessive amounts of arsenic and lead.

On August 3, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 baskets of cherries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 31, 1934, by J. S. Jackson, from Lodi, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On August 29, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23187. Misbranding of olive oil. U. S. v. 25 Cartons of Olive Oil. Default decree of condemnation. Product ordered delivered to charitable organizations, or destroyed.** (F. & D. no. 33400. Sample no. 511-B.)

Sample bottles of olive oil taken from the shipment involved in this case were found to contain less than 4 ounces, the declared volume.

On September 10, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cartons of olive oil at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about August 23, 1934, by an agent of the Pompeian Olive Oil Corporation, of Baltimore, Md., from Los Angeles Harbor, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "Contents Four Fl. Ozs. Pompeian Virgin Pure Imported Olive Oil."

The article was alleged to be misbranded in that the statement on the label, "Contents Four Fl. Ozs.", was false and misleading and tended to deceive and mislead the purchaser; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On October 31, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable organization or destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23188. Adulteration and misbranding of butter. U. S. v. One 50-Pound Tin of Butter. Default decree of condemnation and destruction.** (F. & D. no. 33402. Sample no. 2823-B.)

This case involved a shipment of packing stock butter that was found to contain less than 80 percent by weight of milk fat.

On August 17, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 50-pound tin of butter at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about August 11, 1934, by Matt Gullett, from Fannin, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as pre-

scribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged in that the article was sold and purported to be butter, whereas it was not, since it contained less than 80 percent by weight of milk fat.

On October 2, 1934, no claimant having appeared, judgment was entered *nunc pro tunc* as of August 20, 1934, condemning the product and ordering it to be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23189. Adulteration of apples. U. S. v. 23 Baskets and 13 Baskets of Apples. Default decrees of condemnation and destruction.** (F. & D. nos. 33408, 33409. Sample nos. 5837-B, 5838-B, 5842-B.)

Examination of the apples involved in these cases showed the presence of arsenic and lead.

On August 22 and 23, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 36 bushel baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about August 20 and August 22, 1934, by Preston T. Roberts, from Moorestown, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On September 10, 1934, no claimant having appeared, judgments of condemnation were entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23190. Adulteration of apples. U. S. v. Nine 5/8-Bushel Baskets, et al., of Apples. Default decrees of condemnation and destruction.** (F. & D. nos. 33410, 33411. Sample nos. 5836-B, 5841-B.)

Examination of the apples involved in these cases showed the presence of arsenic on one lot, and arsenic and lead on the other.

On August 22 and August 23, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 25 5/8-bushel baskets of apples consigned by B. F. Driggers, at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about August 20 and August 21, 1934, from Glassboro, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that one lot contained arsenic and the other lot contained arsenic and lead, added poisonous or deleterious ingredients, which might have rendered it harmful to health.

On September 10, 1934, no claimant having appeared, judgments of condemnation were entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23191. Adulteration of apples. U. S. v. 44 Bushels and 67 Bushels of Apples. Default decrees of condemnation and destruction.** (F. & D. nos. 33412, 33565. Sample nos. 5840-B, 5882-B.)

Examination of the apples involved in these cases showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On August 23 and September 6, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 44 bushels and 67 baskets of apples at Philadelphia, Pa., consigned by the Collins Nurseries, Inc., Moorestown, N. J., alleging that the article had been shipped in interstate commerce, on or about August 22 and September 10, 1934, from Moorestown, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead.

On September 10 and October 4, 1934, no claimant having appeared, judgments of condemnation were entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23192. Adulteration of pears. U. S. v. 447 Bushel Baskets of Pears. Default decree of condemnation and destruction. (F. & D. no. 33413. Sample no. 4406-B.)**

This case involved a shipment of pears that had arsenic and lead on them.

On August 15, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 447 bushel baskets of pears at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about August 7, 1934, by the Schoening Orchard Co., from Fruitvale, Colo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added lead and arsenic which might have rendered it deleterious to health.

On September 13, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23193. Adulteration and misbranding of sweet pickles, relish, and piccalilli. U. S. v. 35 Cases of Sweet Mixed Pickles, et. al. Decrees of condemnation and destruction. (F. & D. nos. 33433, 33434, 33511, 33512, 33542, 33543. Sample nos. 7178-B, 7179-B, 7181-B, 7187-B, 7188-B, 7189-B, 7190-B, 7192-B, 7193-B, 14429-B, 14430-B, 14526-B, 14606-B, 14609-B.)**

These cases involved interstate shipments of sweet pickles, etc., in which saccharin had been substituted for sugar. Sample jars taken from one lot of sweet mixed pickles were found to contain less than the weight declared on the label.

On September 12, 1934, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of a quantity of sweet mixed pickles at Providence, R. I. Between the dates of September 12, 1934, and September 27, 1934, libels were filed against various lots of the same or similar products at Portland, Maine, New Haven and New Britain, Conn., and Nashua, N. H. The libels covered a total of 579 cases of sweet mixed pickles, sweet mustard pickles, sweet pickles, sweet relish, and sweet piccalilli, and 999 cases, each containing, among other products, a number of jars of sweet mixed pickles and sweet mustard pickles. The libels charged that the articles had been shipped in interstate commerce by the Cambridge Packing Co., from Cambridge, Mass.; that the first shipment had been made on or about May 8, 1934, and the remainder on various dates up to and including August 20, 1934; that they were adulterated in violation of the Food and Drugs Act, and that one lot was also misbranded. Certain lots were labeled in part: "Charlotte Brand [or "Mohawk Brand"] Sweet Mixed Pickles [or "Sweet Mustard Pickles", "Sweet Picalilli", "Sweet Relish", "Sweet Pickles"] Packed by Cambridge Packing Co. Cambridge, Mass."

Two of the assorted varieties were labeled in part: "Harvard Brand Sweet Mixed Pickles [or "Sweet Mustard Pickles"] Packed by Harvard Pickle Works, Inc., Cambridge, Mass."

The articles, with the exception of certain varieties in the assorted cases, were alleged to be adulterated in that saccharin had been substituted for sugar, and in that they contained an added deleterious ingredient, saccharin, which might have rendered them injurious to health.

Misbranding of one lot of mixed pickles was alleged in that the statement "Contents 8 Fl. Ozs.", borne on the label, was false and misleading, since the jars contained less than 8 fluid ounces; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On October 4, 8, 19, and 31, 1934, the shipper having consented to the entry of decrees in the cases instituted in the District of Connecticut, and no claim having been entered in the remaining cases, judgments of condemnation were entered and the products covered by the libels were ordered destroyed, and the varieties in the assorted cases that were not covered by the libel were ordered returned to the shipper.

M. L. WILSON, *Acting Secretary of Agriculture.*



**23194. Adulteration of apples. U. S. v. 115 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. no. 33444. Sample no. 7477-B.)**

Examination of the apples involved in this case showed the presence of arsenic and lead.

On August 24, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 115 baskets of apples at Newark, N. J., alleging that the article had been shipped in interstate commerce, on or about August 16, 1934, by A. J. Todkill, from Barker, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous ingredients, arsenic and lead, which might have rendered it injurious to health.

On October 24, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23195. Adulteration of canned shrimp. U. S. v. 189 Cases of Canned Shrimp. Decree of condemnation. Product released under bond for separation and destruction of decomposed portion. (F. & D. no. 33456. Sample no. 11327-B.)**

This case involved a shipment of canned shrimp that was in part decomposed.

On September 14, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 189 cases of canned shrimp at Boston, Mass., alleging that the article had been shipped in interstate commerce, on or about August 30, 1934, by the Southern Shell Fish Co., Inc., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Palm Brand Shrimp \* \* \* Packed by Southern Shell Fish Co., Inc., Harvey, La."

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On October 24, 1934, the Southern Shell Fish Co., Inc., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the decomposed portion be segregated and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23196. Adulteration of pears. U. S. v. 292 Bushels of Pears. Default decree of condemnation and destruction. (F. & D. no. 33480. Sample no. 2331-B.)**

This case involved a shipment of pears which were found to contain arsenic and lead.

On August 23, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 292 bushels of pears at Denver, Colo., consigned by Sterling H. Nelson Co., alleging that the article had been shipped in interstate commerce on or about August 16, 1934, from Caryhurst, Utah, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On October 18, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23197. Adulteration and misbranding of butter. U. S. v. 75 Tubs of Butter. Product released under bond. (F. & D. no. 33483. Sample no. 4410-B.)**

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat. The containers were not marked with a statement of the quantity of the contents.

On August 24, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 tubs of butter at St. Louis, Mo., alleging that the article had been shipped in interstate commerce,

on or about May 30, June 5, and June 29, 1934, by the Central Illinois Creamery Co., from Nokomis, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 31, 1934, the Central Illinois Creamery Co., Nokomis, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning and forfeiting the property, judgment was entered finding the product adulterated and misbranded and ordering that it be released under bond, conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23198. Adulteration of apples. U. S. v. 244 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. no. 33487. Sample no. 11335-B.)**

Examination of the apples involved in this case showed the presence of lead and arsenic spray residue.

On September 5, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 244 boxes of apples at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about August 23, 1934, by the Fruit Sales, Inc., from Soap Lake, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Jim Hill Brand Apples \* \* \* Fruit Sales Incorporated, Wenatchee, Washington, exclusive Distributors."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, lead and arsenic, which might have rendered it injurious to health.

On October 3, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23199. Misbranding of canned tomatoes. U. S. v. 497 Cases of Canned Tomatoes. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 33498. Sample no. 6279-B.)**

This case involved a shipment of canned tomatoes that were of poor color and were not labeled to show that they were substandard. The product was also falsely labeled as to the name of the manufacturer and place of manufacture.

On or about September 20, 1934, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 497 cases of canned tomatoes at Atlanta, Ga., alleging that the article had been shipped in interstate commerce, on or about June 19, 1934, by the Hazlehurst Canning Co., from Hazlehurst, Miss., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Shaver's Brand Hand Packed Tomatoes \* \* \* Packed by H. A. Shaver, Inc., Lakeland, Fla."

The article was alleged to be misbranded in that the statement on the label, "Packed by H. A. Shaver, Lakeland, Fla.", was false and misleading and tended to deceive and mislead the purchaser, since it was packed by the Hazlehurst Canning Co., Hazlehurst, Miss. Misbranding was alleged for the further reason that the article was canned food, and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, because of poor color, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On October 27, 1934, the Georgia Canning Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product



be released under bond conditioned that it would not be disposed of contrary to the Federal Food and Drugs Act and all other laws. The product was relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23200. Adulteration of apples. U. S. v. 22 Bushels of Apples. Default decree of condemnation and destruction.** (F. & D. no. 33502. Sample no. 17698-B.)

This case involved a shipment of apples which were found to contain arsenic and lead.

On September 6, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 bushels of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 5, 1934, by C. H. Hall, from Magnolia, Del., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might render it harmful to health.

On October 4, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23201. Adulteration and misbranding of dog and cat food. U. S. v. 750 and 750 Cases of Dog and Cat Food. Decrees entered ordering product released under bond to be relabeled.** (F. & D. nos. 33513, 33514. Sample nos. 413-B, 512-B.)

These cases involved a product represented to be a meat ration for dogs and cats. Analysis showed that it consisted largely of water, grain, waste animal tissue, with little or no fat or oil or vegetables, and no lean muscular tissue; and that it contained much less protein and fat and more crude fiber than declared on the label.

On September 18 and September 19, 1934, the United States attorneys for the Eastern District of Virginia and the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 1,500 cases of dog and cat food at Norfolk, Va., and Philadelphia, Pa., respectively, alleging that the article had been shipped in interstate commerce, on or about August 22 and August 27, 1934, by the Doyle Packing Co. (from Los Angeles, Calif.), and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Strongheart Brand Meat Rations Dog and Cat Food \* \* \* Packed by Doyle Packing Co., Los Angeles, U. S. A."

The article was alleged to be adulterated in that a substance consisting largely of water, with little or no meat present, had been substituted for "Meat Rations", which the article purported to be; and in that it was mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the following statements appearing on the label were false and misleading: "Meat Rations \* \* \* Guaranteed Fat 3.90 Fibre .50 Protein 7.02 \* \* \* Contains Selected Meat \* \* \* Vegetables and Oil, \* \* \* The Essential Diet for Canines and Felines."

The Doyle Packing Co. appeared as claimant for the product. On October 8, 1934, judgment of condemnation and forfeiture was entered in the case instituted in the Eastern District of Pennsylvania, and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department. On October 12, 1934, judgment was entered in the remaining case ordering the product released under bond to be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23202. Adulteration of butter. U. S. v. 17 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked.** (F. & D. no. 33551. Sample no. 16723-B.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On September 13, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 tubs of butter



at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about August 29, 1934, by the Dexter Creamery Co., from Dexter, Minn., and charging adulteration in violation of the Food and Drugs act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On September 26, 1934, the Dexter Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23203. Adulteration of apples. U. S. v. 24 Baskets and 44 Baskets of Apples. Default decrees of condemnation and destruction.** (F. & D. nos. 33566, 33574. Sample nos. 5986-B, 17761-B, 17762-B.)

Examination of the apples involved in these cases showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On September 12 and September 13, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 68 baskets of apples at Philadelphia, Pa., consigned by A. L. Richie, Riverton, N. J., alleging that the article had been shipped in interstate commerce, on or about September 10 and September 12, 1934, from Riverton, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead.

On October 4, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23204. Adulteration of apples. U. S. v. 245 Baskets of Apples. Decree of condemnation. Product released under bond.** (F. & D. no. 33567. Sample no. 5977-B.)

Examination of the apples involved in this case showed the presence of arsenic and lead.

On September 10, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 245 bushel baskets of apples at Philadelphia, Pa., consigned by the Indian Swan Orchard Co., Selbyville, Del., alleging that the article had been shipped in interstate commerce, on or about September 9, 1934, from Selbyville, Del., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Indian Swan Fruits Grown by Indian Swan Orchard Co., Selbyville, Del."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead.

On September 18, 1934, Brant & Hudson, Philadelphia, Pa., having appeared as claimants for the property, judgment of condemnation was entered and it was ordered that the product be released under bond to be reconditioned. The apples were pared to remove the deleterious substances.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23205. Adulteration of apples. U. S. v. 53 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. no. 33568. Sample no. 5980-B.)

This case involved a shipment of apples which were found to contain arsenic and lead.

On September 12, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 53 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 10, 1934, by Locust Grove Farm, from Westville, N. J., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead.

On October 4, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23206. Adulteration of apples. U. S. v. 128 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. no. 33570. Sample no. 4461-B.)

This case involved a shipment of apples which were found to contain arsenic and lead.

On September 13, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 128 baskets of apples at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about September 8, 1934, by F. H. Simpson Co. of Flora, Ill., from Vincennes, Ind., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 12, 1934, no claimant having appeared, judgment and condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23207. Adulteration of apples. U. S. v. 42 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. no. 33571. Sample nos. 17759-B, 17760-B.)

This case involved a shipment of apples which were found to contain lead. On September 13, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 12, 1934, by H. B. Cox, from Marlton, N. J., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On October 8, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23208. Adulteration of apples. U. S. v. 528 Baskets of Apples. Decree of condemnation. Product released under bond for removal of deleterious ingredients.** (F. & D. no. 33572. Sample no. 14443-B.)

Examination of the apples involved in this case showed the presence of arsenic and lead.

On September 10, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 528 baskets of apples at Boston, Mass., consigned about September 4, 1934, alleging that the article had been shipped in interstate commerce, by Abe Cohen & Co., from Brockport, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On September 22, 1934, the Abe Cohen Co., Inc., having appeared as claimant and having submitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the apples be released under cash bond, conditioned that the deleterious ingredients be removed by paring or washing.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23209. Adulteration of apples. U. S. v. 14 Baskets and 55 Baskets of Apples. Default decrees of condemnation and destruction.** (F. & D. nos. 33573, 33734. Sample nos. 5997-B, 17706-B.)

Examination of the apples involved in these cases showed the presence of arsenic and lead on one lot and lead on the other lot.

On September 12, and September 25, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of

Agriculture, filed in the district court libels praying seizure and condemnation of 69 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about September 11, and September 24, 1934, by E. W. Schmeirer, from Beverly, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, namely, arsenic and lead in one lot and lead in the other, which might have rendered it harmful to health.

On October 4 and October 23, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23210. Adulteration of apples. U. S. v. 20% Baskets, et al., of Apples. Default decree of condemnation and destruction.** (F. & D. no. 33575. Sample nos. 17776-B, 17777-B.)

This case involved a shipment of apples which were found to contain arsenic and lead.

On September 15, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 74 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 14, 1934, by B. H. Stow, from Marlton, N. J., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 5, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23211. Adulteration of apples. U. S. v. 20 Baskets of Apples. Default decree of condemnation and destruction.** (F. & D. no. 33576. Sample no. 4460-B.)

This case involved a shipment of apples which were found to contain arsenic and lead.

On September 11, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 baskets of apples at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about September 9, 1934, by Fred Bush, from Hardin, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 12, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23212. Adulteration of apples. U. S. v. 54 Baskets, et al., of Apples. Default decrees of condemnation and destruction.** (F. & D. nos. 33604, 33607, 33732. Sample nos. 17725-B, 17786-B, 17805-B.)

Examination of the apples involved in these cases showed the presence of excessive lead.

On September 18, 21, and 27, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 158 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about September 17, 20, and 26, 1934, by Horace Roberts, from Moorestown, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On October 5, 19, and 23, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*



**23213. Adulteration of apples. U. S. v. 111 Bushel Baskets of Apples. Decree of condemnation. Product released under bond. (F. & D. no. 33606. Sample no. 17782-B.)**

Examination of the apples involved in this case showed the presence of excessive lead.

On September 17, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 111 bushel baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 17, 1934, by R. E. Zimmerman, from Glassboro, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On September 20, 1934, R. E. Zimmerman, having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it should not be disposed of in violation of the law. The apples were washed under supervision of this Department, re-tested for lead, found to be in compliance with the law, and were released.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23214. Adulteration of apples. U. S. v. 36 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. no. 33607. Sample nos. 4463-B, 4464-B.)**

This case involved a shipment of apples which were found to contain arsenic and lead.

On September 18, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 baskets of apples at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, in part on or about September 10, and in part on or about September 16, 1934, by Hilton Sales Co., from Cobden, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 16, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23215. Adulteration of apples. U. S. v. 22 Bushels of Apples. Consent decree of destruction. (F. & D. no. 33668. Sample no. 18213-B.)**

Examination of the apples involved in this case showed the presence of lead and arsenic.

On September 17, 1934, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 bushels of apples at Tulsa, Okla., alleging that the article had been shipped in interstate commerce on or about September 10, 1934, by Louis Cotton, from Springdale, Ark., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added lead and arsenic which might have rendered it deleterious to health.

On September 25, 1934, no claim having been entered and Louis Cotton having waived his right to appear and answer and having consented that the product be disposed of without further notice to him, judgment was entered ordering that it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23216. Adulteration of apples. U. S. v. 87 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. no. 33731. Sample no. 17843-B.)**

This case involved a shipment of apples which were found to contain excessive amounts of lead.

On October 1, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 87 baskets

of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 27, 1934, by B. Lippincott, from Riverton, N. J., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, lead.

On October 23, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23217. Adulteration of apples. U. S. v. 14 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. no. 33733. Sample no. 17701-B.)**

This case involved a shipment of apples which were found to contain lead.

On September 25, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 24, 1934, by Charles Kier, from Sewell, N. J., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On October 23, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23218. Adulteration of apples. U. S. v. 21 Boxes of Apples. Default decree of condemnation and destruction. (F. & D. no. 33735. Sample no. 12073-B.)**

This case involved a shipment of apples which were found to contain lead.

On September 25, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 boxes of apples at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about September 16, 1934, by Fruit Growers Service Co., from Olds, Wash., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On October 9, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23219. Adulteration of apples. U. S. v. 528 Baskets of Apples. Decree of condemnation and forfeiture. Product released under bond conditioned that deleterious substances be removed. (F. & D. no. 33736. Sample no. 14459-B.)**

Examination of the apples involved in this case showed the presence of arsenic and lead.

On September 27, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 528 baskets of apples at Boston, Mass., consigned about September 15, 1934, alleging that the article had been shipped in interstate commerce, by Geo. W. Haxton & Son, from Hamlin, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On September 29, 1934, Geo. W. Haxton & Son, Inc., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the apples be released under cash bond, conditioned that the deleterious substances be removed by paring or washing.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23220. Adulteration of apples. U. S. v. 69 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. no. 33738. Sample no. 17816-B.)**

This case involved a shipment of apples which were found to contain lead.

On October 2, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 1, 1934, by N. J. Fruit & Produce Co., from Glassboro, N. J., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On October 23, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23221. Adulteration of potatoes. U. S. v. James E. O'Neil. Plea of guilty. Fine, \$25. (F. & D. no. 33773. Sample no. 65677-A.)**

This case was based on an interstate shipment of potatoes labeled "U. S. No. 1", which were found to be below the grade represented, because of excessive grade defects.

On October 5, 1934, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against James E. O'Neil, Idaho Falls, Idaho, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 12, 1934, from the State of Idaho into the State of Illinois, of a quantity of potatoes which were adulterated. The article was labeled in part: "U. S. No. 1 Selected Idaho Three Star Brand \* \* \* Potatoes Packed by 'O'Neil' Idaho Falls, Idaho."

The article was alleged to be adulterated in that potatoes of lower grade than U. S. No. 1 had been substituted for U. S. No. 1 grade potatoes, which the article purported to be.

On October 16, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23222. Adulteration of apples. U. S. v. 20 Bushels of Apples. Consent decree of destruction. (F. & D. no. 34412. Sample no. 18179-B.)**

Examination of the apples involved in this case showed the presence of lead and arsenic.

On September 17, 1934, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 bushels of apples at Claremore, Okla., alleging that the article had been shipped in interstate commerce, on or about September 7, 1934, by Earl Lutz, from Springdale, Ark., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added lead and arsenic, which might have rendered it deleterious to health.

On or about September 26, 1934, no claim having been entered and Earl Lutz having waived his right to appear and answer, and having consented that the product be disposed of without further notice to him, judgment was entered ordering that it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23223. Adulteration of apples. U. S. v. 12 Bushels of Jonathan Apples. Consent decree of destruction. (F. & D. no. 34413. Sample no. 18247-B.)**

Examination of the apples involved in this case showed the presence of lead and arsenic.

On September 26, 1934, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 bushels of apples at Bartlesville, Okla., alleging that the article had been shipped in interstate commerce, on or about September 23, 1934, by O. Cook, from Rogers, Ark., and charging adulteration in violation of the Food and Drugs Act.



The article was alleged to be adulterated in that it contained added lead and arsenic, which might have rendered it harmful to health.

On or about October 2, 1934, no claim having been entered and O. Cook having waived his right to appear and answer and having agreed that the product be disposed of without further notice, judgment was entered ordering that it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23224. Adulteration of apples. U. S. v. 867 Bushels, et al., of Apples. Consent decree of condemnation and forfeiture. Product released under bond conditioned that deleterious substances be removed.** (F. & D. nos. 34518, 34705, 34706, 34707. Sample nos. 13792-B to 13796-B, incl., 13805-B, 13806-B, 13807-B, 13812-B to 13825-B, incl., 24826-B to 24830-B, incl., 24832-B to 24835-B, incl., 24837-B, 24840-B, 24847-B, 24848-B.)

These cases involved interstate shipments of apples that bore excessive arsenic and lead spray residue.

On or about October 19, 23, and 24, 1934, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 7,397 bushels of apples at Blue Island, Ill., alleging that the article had been shipped in interstate commerce, in part by the Thomas S. Smith Co., and in part by Herman Onken, from Fennville, Mich., between the dates of September 12 and October 10, 1934, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On November 1, 1934, the cases having been consolidated, and Thomas S. Smith & Co., Fennville, Mich., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released under bond conditioned that the apples be cleaned under the supervision of this Department, to remove the spray residue.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23225. Adulteration of apples. U. S. v. 100 Baskets of Apples. Consent decree of condemnation. Product released under bond for removal of deleterious substances.** (F. & D. no. 33407. Sample no. 5578-B.)

Examination of the apples involved in this case showed the presence of lead and arsenic.

On August 16, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 baskets of apples at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, on or about August 11, 1934, by the American Fruit Growers, Inc., from Lockport, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On August 18, 1934, the American Fruit Growers, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought into conformity with the law under the supervision of this Department. The deleterious ingredients were removed by acid washing.

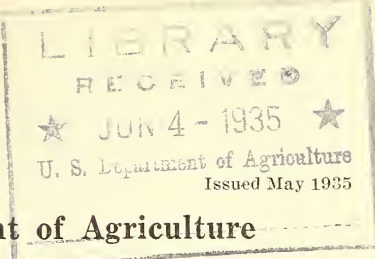
M. L. WILSON, *Acting Secretary of Agriculture.*

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## United States Department of Agriculture

### FOOD AND DRUG ADMINISTRATION



## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

23226-23300

**23226. Adulteration of elixir sodium salicylate compound; and adulteration and misbranding of fluidextract digitalis, fluidextract jalap, fluidextract nux vomica, fluidextract stramonium, tincture ferrie citro-chloride, elixir gentian and iron, syrup hypophosphites compound, and syrup bromides. U. S. v. Nelson, Baker & Co. Plea of guilty. Fine, \$200. (F. & D. no. 30277. Sample nos. 4044-A, 4051-A, 4053-A, 4054-A, 4055-A, 4059-A, 4068-A, 4070-A, 4073-A.)**

This case was based on shipments of various drugs and drug preparations sold under names recognized in the National Formulary. Examination showed that they differed from the standard laid down in the formulary, in most instances containing more, or less, of certain therapeutic agents than declared on the labels.

On April 4, 1934, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Nelson, Baker & Co., a corporation, Detroit, Mich., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 6, 1932, from the State of Michigan into the State of Illinois, of quantities of pharmaceuticals which were adulterated and, with one exception, also misbranded. The articles were labeled in part: "Fluidextract Digitalis N.F."; "Fluidextract Jalap, N.F."; "Fluidextract Nux Vomica N.F."; "Fluidextract Stramonium, N.F."; "Tincture Ferrie Citro-Chloride Alcohol 14 Per Cent"; "Elixir Gentian and Iron N.F.IV"; "Elixir Sodium Salicylate Cpd."; "Syrup Hypophosphites Compound N.F."; "Syrup Bromides N.F."; "Nelson Baker & Co. Detroit, Mich."

The articles were alleged to be adulterated in that they were sold under names recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said formulary official at the time of investigation in the following respects and their own standard of strength, quality, and purity was not declared on the containers thereof:

(Fluidextract digitalis) One cubic centimeter of the article corresponded to 0.46 milligram of ouabain, whereas the formulary provides that 1 cubic centimeter of fluidextract of digitalis shall correspond to 0.83 milligram of ouabain.

(Fluidextract jalap) One hundred cubic centimeters of the article yielded more than 7.5 grams, namely, not less than 13.4 grams of the resin of jalap, whereas the formulary provides that 100 cubic centimeters of fluidextract of jalap shall yield not more than 7.5 grams of the resin of jalap.

(Fluidextract nux vomica) One hundred cubic centimeters of the article yielded less than 2.37 grams, namely, not more than 1.72 grams of the alkaloids of nux vomica, whereas the formulary provides that 100 cubic centimeters of fluidextract of nux vomica shall yield not less than 2.37 grams of the alkaloids of nux vomica.

(Fluidextract stramonium) One hundred cubic centimeters of the article yielded more than 0.28 gram, namely, not less than 0.3476 gram of the alkaloids of stramonium, whereas the formulary provides that 100 cubic centimeters of



fluidextract of stramonium shall yield not more than 0.28 gram of the alkaloids of stramonium.

(Tincture ferric citro-chloride) The article contained less than 11.9 percent of alcohol by volume, namely, not more than 1.8 percent of alcohol by volume, whereas the formulary provides that tincture ferric citro-chloride shall contain not less than 11.9 percent of alcohol by volume.

(Elixir gentian and iron) One hundred cubic centimeters of the article contained less than 0.448 gram of iron, namely, not more than 0.393 gram of iron, whereas the formulary provides that tincture ferric citro-chloride, i. e., elixir gentian and iron chloride shall contain not less than 0.448 gram of iron.

(Elixir sodium salicylate compound) One thousand cubic centimeters of the article contained 146.3 grams of sodium salicylate and 0.4 gram of potassium iodide, whereas the formulary provides that elixir sodium salicylate compound shall contain not more than 80 grams of sodium salicylate and not less than 15 grams of potassium iodide per 1,000 cubic centimeters.

(Syrup hypophosphites compound) The article contained less than 35 grams, namely, not more than 24.58 grams, of calcium hypophosphite per 1,000 cubic centimeters, whereas the formulary provides that syrup hypophosphites compound shall contain 35 grams of calcium hypophosphite per 1,000 cubic centimeters.

(Syrup bromides) The article contained less than 80 grams, namely, not more than 69.3 grams of sodium bromide per 1,000 cubic centimeters, whereas the formulary provides that 1,000 cubic centimeters of syrup of bromides shall contain not less than 80 grams of sodium bromide.

Adulteration was alleged with respect to all products with the exception of the elixir sodium salicylate compound for the further reason that their strength and purity fell below the professed standard and quality under which they were sold in the following respects:

The fluidextract digitalis and fluidextract jalap were represented to conform to the standard laid down in the National Formulary, whereas they did not.

The fluidextract nux vomica was represented to conform to the National Formulary and to contain 2.5 percent alkaloids, whereas it did not conform to the formulary and contained less than 2.5 percent alkaloids.

The fluidextract stramonium was represented to conform to the standards laid down in the National Formulary and to contain 0.25 percent alkaloids, whereas it did not conform to the formulary and contained more than 0.25 percent alkaloids.

The tincture ferric citro-chloride was represented to contain 14 percent of alcohol, whereas it contained less than 14 percent of alcohol, namely, not more than 1.8 percent of alcohol.

The elixir gentian and iron was represented to contain 20 percent of alcohol and 48 minims of tincture of iron citro-chloride, whereas it contained less alcohol and tincture of iron citro-chloride than represented, namely, not more than 13.38 percent of alcohol and not more than 42.1 minims of tincture of iron citro-chloride.

The syrup hypophosphites compound was represented to conform to the standard laid down in the National Formulary and to contain in each fluid ounce 16 grains of calcium hypophosphite,  $\frac{3}{8}$  grain of quinine hypophosphite, and  $\frac{1}{8}$  grain of strychnine hypophosphite, whereas it did not conform to the formulary and each fluid ounce contained less than 16 grains of calcium hypophosphite, less than  $\frac{3}{8}$  grain of quinine hypophosphite, and less than  $\frac{1}{8}$  grain strychnine hypophosphite.

The syrup bromides was represented to conform to the standard laid down in the National Formulary and each fluid ounce was represented to contain 36 grains of sodium bromide, whereas it did not conform to the National Formulary and each fluid ounce contained less than 36 grains, namely, not more than 31.6 grains of sodium bromide.

Misbranding was alleged for the reason that the statements "Fluidextract Digitalis N. F.", "Fluidextract Jalap N. F.", "Fluidextract Nux Vomica N. F. \* \* \* Standard-2.5% Alkaloids", "Fluidextract Stramonium N. F. \* \* \* Standard-0.25% alkaloids", "Tincture Ferric Citro-Chloride \* \* \* Alcohol 14 per cent", "Elixir Gentian and Iron N. F. IV \* \* \* Each fluid ounce contains \* \* \* Tincture Iron Citro-Chloride 48 Mim \* \* \* Alcohol 20 percent", "Syrup Hypophosphites Compound N. F. Each fluid ounce contains \* \* \* Calcium Hypophos. 16 grs. \* \* \* Quinine Hypophos. 3/5 Grs.", and "Syrup Bromides N. F. Each fluidounce contains: \* \* \* Sodium Bromide, 36 Grs.", borne on the labels of the respective products were

false and misleading. Misbranding of the tincture ferric citro-chloride and the elixir gentian and iron was alleged for the further reason that they contained alcohol and the label of the packages failed to bear a statement of the quantity and proportion of the alcohol contained therein.

On July 30, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23227. Adulteration and misbranding of elixir pepsin, bismuth, and strychnine; belladonna solid extract; solid extract nux vomica; elixir tonga and salicylates; citrine ointment; ointment resorcin compound; tincture opium camphorated; powdered extract belladonna, and misbranding of pentabromides.** U. S. v. The Wm. S. Merrell Co. *Plea of guilty. Fine, \$170.* (F. & D. no. 31322. Sample nos. 3780-A, 3795-A, 3796-A, 4103-A, 4142-A, 4143-A, 8571-A, 8655-A, 8656-A.)

This case was based on interstate shipments of belladonna solid extract, solid extract nux vomica, elixir tonga and salicylates, citrine ointment, ointment resorcin compound, tincture opium camphorated, and powdered extract belladonna, products recognized in the United States Pharmacopoeia or the National Formulary, which fell below the standard laid down in those authorities, and in some instances contained therapeutic agents in amounts differing from those declared on the label. There was also included one lot of elixir pepsin, bismuth and strychnine that contained less bismuth and sodium tartrate than declared on the label, and one lot of pentabromides that contained the combined bromides of sodium, potassium, lithium, calcium and ammonium, greatly in excess of the amount declared.

On September 17, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Wm. S. Merrell Co., a corporation, Cincinnati, Ohio, alleging shipment by said company in violation of the Food and Drugs Act, on or about January 20 and April 13, 1932, from the State of Ohio into the State of New York, of quantities of powdered extract of belladonna and tincture opium camphorated, which were adulterated and misbranded; on or about March 14, 1932, from the State of Ohio into the State of Pennsylvania, of a quantity of pentabromides which were misbranded; and on or about June 30, 1932, from the State of Ohio into the States of Illinois and Kentucky, of quantities of elixir pepsin, bismuth and strychnine, belladonna solid extract, solid extract nux vomica, elixir tonga and salicylates, citrine ointment, ointment resorcin compound, which were adulterated and misbranded. The articles were labeled in part: "The Wm. S. Merrell Company, Cincinnati, Ohio."

The information charged adulteration of certain of the products in that they were sold under names recognized in the United States Pharmacopoeia or the National Formulary, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said authorities official at the time of investigation, in the following respects:

Belladonna solid extract yielded less than 1.18 percent, namely, not more than 0.70 percent of the alkaloids of belladonna leaves; whereas the pharmacopoeia provides that extract of belladonna shall yield not less than 1.18 percent of the alkaloids of belladonna leaves.

Solid extract nux vomica yielded less than 15.2 percent, namely, not more than 12.84 percent of the alkaloids of nux vomica; whereas the pharmacopoeia provides that extract of nux vomica shall yield not less than 15.2 percent of the alkaloids of nux vomica.

Tincture opium camphorated contained less than 0.4 gram, namely, not more than 0.317 gram, of anhydrous morphine per 1,000 cubic centimeters; whereas the pharmacopoeia provides that tincture camphorated opium shall contain not less than 0.4 gram of anhydrous morphine per 1,000 cubic centimeters.

Powdered extract belladonna yielded less than 1.18 percent, namely, not more than 0.83 percent of the alkaloids of belladonna leaves; whereas the pharmacopoeia provides that extract of belladonna shall yield not less than 1.18 percent of the alkaloids of belladonna leaves.

Elixir tonga and salicylates contained more than 70 grams, namely, not less than 77 grams of sodium salicylate per 1,000 cubic centimeters; whereas the National Formulary provides that elixir tonga and salicylates shall contain not more than 70 grams of sodium salicylate per 1,000 cubic centimeters.

Citrine ointment contained more than 7 grams, namely, not less than 8.07 grams of mercury for 100 grams of ointment; whereas the National Formulary



provides that citrine ointment shall contain not more than 7.0 grams of mercury in each 100 grams.

Ointment resorcin compound contained less than 60 grams, namely, not more than 46.4 grams of zinc oxide per 1,000 grams of ointment and less than 60 grams, namely, not more than 45.8 grams of bismuth subnitrate per 1,000 grams of ointment; whereas the National Formulary provides that compound resorcin ointment, i. e., compound resorcinol ointment, shall contain in 1,000 grams not less than 60 grams of zinc oxide and not less than 60 grams of bismuth; and the standard of strength, quality, and purity of the said articles was not declared on the containers thereof.

Adulteration of certain of the products was alleged in that their strength and purity fell below the professed standard and quality under which they were sold in the following respects: (Elixir pepsin, bismuth, and strychnine) Each fluid ounce was represented to contain 8 grains of bismuth and sodium tartrate; whereas each fluid ounce contained less than 8 grains, namely, not more than 2.6 grains of bismuth and sodium tartrate.

(Belladonna solid extract) The article was represented to be belladonna solid extract which conformed to the standard laid down in the pharmacopoeia, and to contain not less than 1.18 percent of the alkaloids of belladonna leaves; whereas it did not conform to the pharmacopoeia, and contained less than 1.18 percent, namely, not more than 0.70 percent, of the alkaloids of belladonna leaves.

(Solid extract nux vomica) The article was represented to contain not less than 15.2 percent of the total alkaloids of nux vomica; whereas it contained less than 15.2 percent, namely, not more than 12.84 percent of the total alkaloids of nux vomica.

(Elixir tonga and salicylates) The article was represented to conform to the standard laid down in the National Formulary, and to contain in each 1,000 cubic centimeters 70 grams of sodium salicylate; whereas it did not conform to the said formulary, and 1,000 cubic centimeters contained more than 70 grams, namely, not less than 77 grams of sodium salicylate.

(Citrine ointment) The article was represented to conform to the standard laid down in the National Formulary, and to contain 7 percent of mercury; whereas it did not conform to the said formulary, and contained more than 7 percent, namely, not less than 8.07 percent of mercury.

(Ointment resorcin compound) The article was represented to conform to the standard laid down in the National Formulary; whereas it did not.

(Tincture opium camphorated) The article was represented to conform to the standard laid down in the pharmacopoeia, and to contain 1.82 grains of powdered opium per fluid ounce; whereas it did not conform to the pharmacopoeia, and contained less than 1.82 grains, namely, not more than 1.45 grains, of powdered opium per fluid ounce.

(Powdered extract belladonna) The article was represented to conform to the standard laid down in the pharmacopoeia and to contain not less than 1.18 percent of the alkaloids of belladonna leaves; whereas it did not conform to the pharmacopoeia, and contained less than 1.18 percent, namely, not more than 0.83 percent, of the alkaloids of belladonna leaves.

Misbranding was alleged for the reason that the following statements appearing on the labels, were false and misleading: (Elixir pepsin, bismuth, and strychnine) "Each fluidounce represents \* \* \* Bismuth and Sodium Tartrate 8 grs."; "Belladonna Solid Extract U. S. P. \* \* \* Assay standard—1.18% to 1.32% of the Alkaloids of Belladonna Leaves"; (solid extract nux vomica) "Assay standard, 15.2 to 16.8 per cent total alkaloids"; "Elixir Tonga and Salicylates N. F. \* \* \* Each Fl. Oz. represents \* \* \* 32 grs. Sodium Salicylate \* \* \* 10 cc. represents \* \* \* Sodium Salicylate, 7.0 Gms."; "Citrine Ointment N. F. \* \* \* Mercury 7%"; "Ointment Resorcin Compound N. F."; "Tincture Opium Camphorated U. S. P. \* \* \* Powdered Opium, 1.82 gr. per Fl. Oz."; "Powdered Extract Belladonna U. S. P. \* \* \* Assay standard 1.18% to 1.32% of the alkaloids of Belladonna Leaves." Misbranding of the pentabromides was alleged for the reason that the statement, "Each fluidounce represents 15 grains of the combined Bromides of: Sodium Potassium Lithium Calcium Ammonium", borne on the label, was false and misleading, since each fluid ounce contained more than 15 grains, namely, not less than 107.85 grains of the combined bromides of sodium, potassium, lithium, calcium, and ammonium.



On October 31, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$170.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23228. Adulteration and misbranding of fluidextract of colchicum. U. S. v. Samuel Evans Massengill, M. D. (The S. E. Massengill Co.). Plea of guilty. Fine, \$150. (F. & D. no. 30317. Sample no. 5972-A.)**

This case was based on a shipment of fluidextract of colchicum which was represented to be of pharmacopoeial standard but which differed from said standard since it yielded colchicum in an amount in excess of the amount provided by the United States Pharmacopoeia.

On March 20, 1934, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Samuel Evans Massengill, M. D., trading as the S. E. Massengill Co., Bristol, Tenn., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about July 18, 1932, from the State of Tennessee into the State of Ohio, of a quantity of fluidextract of colchicum which was adulterated and misbranded. The article was labeled in part: "Fluidextract Colchicum, U. S. P. Colchicum Autumnale \* \* \* Standard 0.36 to 0.44 Gm. Colchicine per 100 cc \* \* \* The S. E. Massengill Company \* \* \* Bristol, Tenn.-Va."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia official at the time of investigation, in that it yielded more than 0.44 gram of colchicine per 100 cubic centimeters, namely, not less than 0.634 gram of colchicine per 100 cubic centimeters; whereas the pharmacopoeia provides that fluidextract of colchicum shall yield not more than 0.44 gram of colchicine per 100 cubic centimeters; and the standard of the strength, quality, and purity of the article was not declared on the container. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented to be fluidextract of colchicum which conformed to the standard laid down in the United States Pharmacopoeia, and was represented to contain not more than 0.44 gram of colchicine per 100 cubic centimeters; whereas it did not conform to the standard laid down in the said pharmacopoeia and contained more than 0.44 gram of colchicine per 100 cubic centimeters.

Misbranding was alleged for the reason that the statement, "Fluidextract Colchicum, U. S. P. \* \* \* Standard 0.36 to 0.44 Gm. Colchicine per 100 cc", borne on the label, was false and misleading.

On September 17, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$150.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23229. Misbranding of white pine expectorant. U. S. v. 123 Bottles of White Pine Expectorant. Default decree of condemnation and destruction. (F. & D. no. 30806. Sample no. 42962-A.)**

This case was based on an interstate shipment of a drug preparation, the labels of which contained unwarranted curative and therapeutic claims.

On August 1, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 123 bottles of white pine expectorant at Scranton, Pa., alleging that the article had been shipped in interstate commerce on or about October 13, 1932, and January 25, 1933, by the Hallock-Denton Co., from Newark, N. J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample showed that the article consisted essentially of extracts of plant drugs, tar, chloroform, sugar, alcohol, and water.

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effects were false and fraudulent: (Bottle) "For Bronchitis Coughs \* \* \* Croup, Etc."; (carton) "For Bronchitis, Coughs \* \* \* Croup, Etc. \* \* \* for Coughs \* \* \* &c."

On October 29, 1934, the petition and answer of the Hallock-Denton Co., the sole intervenor, having been withdrawn, judgment of condemnation was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture*

**23230. Misbranding of Pheno-Isolin. U. S. v. 10 Bottles of Pheno-Isolin. Default decree of condemnation and destruction. (F. & D. no. 31092. Sample no. 43036-A.)**

This case involved a shipment of a drug preparation, the labeling of which contained unwarranted germicidal, curative, and therapeutic claims.

On September 14, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 bottles of Pheno-Isolin at Jersey City, N. J., alleging that the article had been shipped in interstate commerce, on or about August 23, 1933, by the Scientific Manufacturing Co., Inc., from Scranton, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of turpentine, camphor, menthol, and resin dissolved in an oil. Bacteriological examination showed that it required many hours' contact with bacteria before it exerted any germicidal action. Tests also showed that it was not an antitoxin.

The article was alleged to be misbranded in that the following statements on the label and circular were misleading, since many of the directions were for use under conditions of brief contact, where it would not be germicidal: (Label) "Germicide"; (circular) "Germicidal Test Method—F. D. A. Wet Filter Paper. U. S. Dept. of Agriculture Circular 198. December, 1931. Organism—Staph. aureus. F. D. A. Culture No. 209. Age of culture—24 hours at 37 degrees C. Medium—Standard broth. Peptone—Armours Special. Organic matter—None. Temperature of medication—37 degrees C. Sterile 0.5 cm. squares of Whatman's No. 2 filter paper were impregnated with Staph. aureus having the standard resistance to phenol at 37 degrees C. The wet impregnated papers were then immersed in the sample under test and a paper square removed at stated intervals and retransferred to 10 cc. of sterile broth, washed by agitation and use of a sterile needle, and transferred to a second 10 cc. of sterile broth. Both sets of tubes were then incubated at 37 degrees C. for 48 hours with the following results:

Sample-----		1	2	3	4	5	6	7	8	9
Pheno-Isolin Undiluted-----		+	+	+	+	+	+	+	+	-
		Hours of Exposure								
		Minutes of Exposure								
Phenol 1 : 80-----		5								
1 : 90-----		10								
		15								
		+								
		+								
		+								

"Comments: These results show that Pheno-Isolin has germicidal action in a nine hour period of exposure under the conditions of the test. \* \* \* In the germicidal test, the Pheno-Isolin is slowly absorbed by the bacteria, as the Pheno-Isolin is very slowly soluble in aqueous solutions, which, of course, are different from the albuminous serum in the wound or toxin compounds."

Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Carton) "Prevents and destroys infection A Local Antitoxin"; (circular) "How to prevent and destroy infection \* \* \* Pheno-Isolin is the only local-antitoxin that has ever been produced \* \* \* It is especially recommended in preventing and treating infection, and many cases of years standing have been successfully treated with Pheno-Isolin. \* \* \* relief from pain, especially so if due to infection. \* \* \* Pheno-Isolin is no doubt the only preparation recommended to destroy infection, because it is the only local-antitoxin made. Many preparations attempt to kill bacteria outright, but also kill some tissue at the same time. The dead tissue decomposes, and forms excellent food for bacteria. The most important point in destroying infection is entirely overlooked by all other preparations. Although bacteria often develop rapidly in an infected area, they are also short lived. When these bacteria die, they form a powerful poison called 'toxins.' It is these poisons that cause pain, swelling, fever, and often tetanus or lock-jaw when they enter the circulation. Pheno-Isolin is the only preparation that neutralizes these toxins or poisons, as it is the only local-antitoxin. In neutralizing these poisons, they are made harmless, and so do not enter the circulation. When Pheno-Isolin is used in infected cases, this property is most apparent, as the patient usually experiences relief from pain, swelling goes down and the fever disappears, often beginning within two hours after it is used. This can be accomplished only by a local antitoxin. \* \* \* eliminates bacteria by a solvent action. \* \* \* is highly recommended for sore mouths, sore gums and sore throat. \* \* \* It has

been found to be very effective for coughs \* \* \* especially bronchial cases. Covers the wound with a protective film, making it impossible for after infection to occur. In cases of infection or ulcers, Pheno-Isolin should be applied at least twice daily. It is important that all parts of the affected area be reached with the local-antitoxin, so as to neutralize the toxins and destroy the bacteria \* \* \* General directions \* \* \* Boils and Carbuncles: \* \* \* used twice a day until the infection is brought under control. \* \* \* Infection, Ulcers, Bed Sores, Etc.: \* \* \* In badly infected cases or old ulcers \* \* \* Sore Throat: \* \* \* Sore Gums, Pyorrhea, and Mouth Ulcers: \* \* \* Ulcerated Cancer: \* \* \* pack the ulcerated part with gauze well soaked with Pheno-Isolin, using bandage to keep in place. \* \* \* This will relieve the itching and burning and give the patient great relief. For Skin Affections, \* \* \* Neuritis: \* \* \* Ear Infections \* \* \* For Coughs."

On September 7, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23231. Adulteration and misbranding of compound solution of iodine, acetanilid tablets, and fluidextract of ergot. U. S. v. Meyer Bros. Drug Co. Plea of nolo contendere. Fine, \$350. (F. & D. no. 31315. Sample nos. 15608-A, 15633-A, 34092-A.)**

This case was based on shipments of compound solution of iodine and fluidextract of ergot which were represented to be of pharmacopoeial standard, and a shipment of acetanilid tablets which were represented to contain 5 grains of acetanilid per tablet. Examination showed that the compound solution of iodine and the fluidextract of ergot fell below the standard provided in the United States Pharmacopoeia, the former containing less iodine than required and less than declared on the label; and the latter having a potency of less than one fifth the pharmacopoeial requirement; and that the acetanilid tablets contained less than 5 grains of acetanilid. The fluidextract of ergot, because of its low potency, would not produce the therapeutic effects claimed on the label, when used according to directions.

On March 29, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Meyer Bros. Drug Co., a corporation, St. Louis, Mo., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 4, 1932, from the State of Missouri into the State of Indiana, of a quantity of acetanilid tablets; on or about July 30, 1932, from the State of Missouri into the State of Illinois, of a quantity of compound solution of iodine; and on or about February 15, 1933, from the State of Missouri into the State of Arkansas, of a quantity of fluidextract of ergot; which said products were adulterated and misbranded. The articles were labeled: "Compound Solution Of Iodine Lugol's (Liquor Iodi Compositus U. S. P. X) An Aqueous solution containing: Iodine 5 percent"; "Tablets Acetanilid 5 Grains"; "Fluidextract Ergot U. S. P. \* \* \* One Cc. of this Fluidextract represents one gramme of superior Standard Ergot \* \* \* Meyer Brothers Drug Co. Saint Louis."

The compound solution of iodine and the fluidextract of ergot were alleged to be adulterated in that they were sold under and by names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation in that the former contained less than 4.8 grams of iodine per 100 cubic centimeters, namely, not more than 4.39 grams of iodine per 100 cubic centimeters, equivalent to 4.39 percent of iodine; whereas the pharmacopoeia provides that compound solution of iodine shall contain not less than 4.8 grams of iodine per 100 cubic centimeters; the latter had a potency of less than one fifth of that required by the said pharmacopoeia for fluidextract of ergot; and the standard of strength, quality, and purity of the articles was not declared on the containers. Adulteration was alleged with respect to all products in that their strength and purity fell below the professed standard and quality under which they were sold, in the following respects: the compound solution of iodine was represented to conform to the standard laid down in the pharmacopoeia, tenth revision, and to contain 5 percent of iodine; whereas it did not conform to the pharmacopoeial standard and contained less than 5 percent of iodine, namely, not more than 4.39 percent of iodine; the acetanilid tablets were represented to contain 5 grains each of acetanilid, whereas they contained not more than 3.6 grains of acetanilid per tablet; and



the fluidextract of ergot was represented to conform to the standard laid down in the pharmacopoeia, whereas it did not.

Misbranding was alleged for the reason that the statements, "Compound Solution of Iodine \* \* \* (Liquor Iodi Compositus, U. S. P. X) An aqueous solution containing Iodine . . . . 5 per cent", "Tablets Acetanilid 5 grains", and "Fluidextract Ergot U. S. P. One Cc of this Fluidextract Ergot represents one gramme of superior Standard Ergot", borne on the labels of the respective products, were false and misleading, since the compound solution of iodine did not conform to the pharmacopoeial standards and contained less than 5 percent of iodine, the acetanilid tablets contained less than 5 grains of acetanilid, and the fluidextract of ergot did not conform to the pharmacopoeial standard and 1 cubic centimeter represented less than 1 gram of "superior standard ergot."

On October 10, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$350.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23232. Adulteration and misbranding of colchicum corm and tincture belladonna. U. S. v. The Upjohn Co. Plea of nolo contendere. Fine, \$200. (F. & D. no. 31319. Sample nos. 3747-A, 4017-A.)**

This case was based on an interstate shipment of fluidextract of colchicum corm which differed from the standard provided by the National Formulary, since it yielded less colchicine than provided in the formulary, and of a shipment of tincture of belladonna that differed from the standard provided by the United States Pharmacopoeia, since it yielded alkaloids of belladonna leaves in excess of the amount provided in the pharmacopoeia.

On February 24, 1934, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Upjohn Co., a corporation, Kalamazoo, Mich., alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 22, 1932, and July 2, 1932, from the State of Michigan into the State of Illinois, of quantities of fluidextract of colchicum corm and tincture of belladonna, respectively, which were adulterated and misbranded. The articles were labeled in part: "Fluid Extract Colchicum Corm, N. F. V. \* \* \* Standard—0.31 to 0.39 Gm. Colchicine per 100 cc. \* \* \* The Upjohn Company, \* \* \* Kalamazoo, Mich."; and "Tincture Belladonna U. S. P. X. \* \* \* Standard—0.027 to 0.033 Gm. Alkaloids per 100 cc. \* \* \* The Upjohn Company \* \* \* Kalamazoo, Mich."

The information charged adulteration of the colchicum corm in that it was sold under a name recognized in the National Formulary, fifth revision, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said formulary, in that it yielded less than 0.31 gram of colchicine per 100 cubic centimeters, namely, not more than 0.266 gram of colchicine per 100 cubic centimeters; whereas the formulary provides that fluidextract of colchicum corm shall yield not less than 0.31 gram of colchicine per 100 cubic centimeters, and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration of the tincture of belladonna was alleged in that it was sold under a name recognized in the United States Pharmacopoeia, tenth revision, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia, since it yielded more than 0.033 gram of the alkaloids of belladonna leaves per 100 cubic centimeters, namely, not less than 0.036 gram of the alkaloids of belladonna leaves per 100 cubic centimeters; whereas the pharmacopoeia provides that tincture of belladonna shall yield not more than 0.033 gram of the alkaloids of belladonna leaves per 100 cubic centimeters, and the standard of strength, quality, and purity of the article was not declared on the container. Adulteration was alleged for the further reason that the strength and purity of the articles fell below the professed standard and quality under which they were sold.

Misbranding was alleged for the reason that the statement, "Fluid Extract Colchicum Corm N. F. V. \* \* \* Standard—0.31 to 0.39 Gm. Colchicine per 100 cc." with respect to the fluidextract of colchicum corm, and the statement, "Tincture Belladonna, U. S. P. X. \* \* \* Standard—0.027 to 0.033 Gm. Alkaloids per 100 cc." with respect to the tincture belladonna, were false and misleading.

On September 20, 1934, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23233. Adulteration and misbranding of tincture of digitalis, syrup of iron iodine, and fluidextract of ergot. U. S. v. Brewer & Co., Inc. Plea of nolo contendere. Fine, \$55. (F. & D. no. 31335. Sample nos. 10698-A, 34447-A, 34448-A.)**

This case was based on shipments of tincture of digitalis and fluidextract of ergot, which when tested by the methods prescribed in the United States Pharmacopoeia, had a potency much lower than provided therein; and a shipment of syrup of iron iodine that contained less ferrous iodide than provided in the pharmacopoeia. The fluidextract of ergot, when used as directed on the label, would not produce the therapeutic effects claimed.

On June 1, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Brewer & Co., Inc., a corporation, Worcester, Mass., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about March 3, 1932, from the State of Massachusetts into the State of Pennsylvania of a quantity of syrup iron iodine, and on or about February 20, 1933, from the State of Massachusetts into the State of Maine of quantities of tincture digitalis and fluidextract ergot, which were adulterated and misbranded. The articles were labeled in part: "Tincture Digitalis U. S. P. X."; "Syrup Iron Iodine U. S. P. Syrup of Ferrous Iodide"; "Fluidextract Ergot (Fluidextractum Ergotae U. S. P.) \* \* \* Emmenagogue, Oxytocic, Hemostatic Circulatory Equalizer"; "Brewer & Company, Inc. Pharmaceutical Chemists, Worcester, Mass."

The information charged that the tincture digitalis and syrup iron iodine were adulterated in that they were sold under and by names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, in the following respects, and their own standard of strength, quality, and purity were not declared on the containers.

The tincture digitalis when injected into the ventral lymph sac of a frog had a minimum systolic dose of less than 0.0055 cubic centimeter, equivalent to less than 0.00,000,046 gram of ouabain for each gram of body weight of frog, whereas the pharmacopoeia provides that tincture of digitalis, when injected into the ventral lymph sac of a frog shall have a minimum systolic dose of not less than 0.0055 cubic centimeter, equivalent to not less than 0.00,000,046 gram of ouabain for each gram of body weight of frog.

The syrup iron iodine (syrup of ferrous iodide) contained less than 6.5 grams, namely, not more than 5.2 grams of ferrous iodide per 100 cubic centimeters, whereas the pharmacopoeia provides that syrup of ferrous iodide shall contain not less than 6.5 grams of ferrous iodide per 100 cubic centimeters. Adulteration of the fluidextract ergot was alleged in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia, and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the strength, quality, and purity of the articles fell below the professed standard and quality under which they were sold, in that they were represented to be products which conformed to the standard laid down in the United States Pharmacopoeia; whereas they were not.

Misbranding was alleged for the reason that the statements, "Tincture Digitalis U. S. P. X.", "Syrup Iron Iodide U. S. P., Syrup of Ferrous Iodide", and "Fluidextract Ergot (Fluidextractum Ergotae U. S. P.)" borne on the labels of the respective products, were false and misleading. Misbranding of the fluidextract ergot was alleged for the further reason that certain statements on the bottle label falsely and fraudulently represented that it was effective as an emmenagogue, oxytocic, and hemostatic circulatory equalizer, when taken as directed; whereas it was not effective as an emmenagogue, oxytocic, or hemostatic circulatory equalizer when taken as directed.

On October 5, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$55.

M. L. WILSON, *Acting Secretary of Agriculture.*



**23234. Adulteration and misbranding of Capsules Elixir Luminol, and misbranding of Capsules Sedative, Capsules Amidonal and Capsules Cincopyrans. U. S. v. Philadelphia Capsule Co., Inc., and Joseph McManus. Plea of nolo contendere. Judgment of guilty. Fine, \$150. (F. & D. no. 31342. Sample nos. 38157-A, 38158-A, 38168-A, 38169-A.)**

Analyses of the products covered by this case showed that they contained certain drugs in amounts differing from the amounts declared on the label. The label of the Capsules Sedative bore unwarranted curative and therapeutic claims and the label of the Elixir Luminol failed to bear a statement of the quantity or proportion of alcohol contained therein—approximately 16.7 percent by volume.

On June 6, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Philadelphia Capsule Co., Inc., a corporation, and Joseph McManus, of Philadelphia, Pa., alleging shipment by said defendants in violation of the Food and Drugs Act, as amended, on or about April 18 and April 22, 1933, from the State of Pennsylvania into the State of New Jersey, of a quantity of Capsules Elixir Luminol which were adulterated and misbranded, and of quantities of Capsules Sedative, Capsules Amidonal, and Capsules Cincopyrans which were misbranded. The articles were labeled in part: "Capsules Elixir Luminol \* \* \* Each Fl. Oz. Represents Phenobarbital 8 Grs."; or "Capsules Sedative Represents Ammonium Bromide 2½ Grs."; or "Amidonal Represents \* \* \* Amidopyrine 2½ Grs."; or "Cincopyrans Represents \* \* \* Amidopyrine 1½ Grs.", "Capsulated by The Philadelphia Capsule Co., Inc., Philadelphia, Pa."

The information charged adulteration of the Elixir Luminol in that its strength and purity fell below the professed standard and quality under which it was sold, since each fluid ounce was represented to contain 8 grains of phenobarbital, whereas each fluid ounce contained less than 8 grains, namely, not more than 6.44 grains of phenobarbital.

Misbranding of all products was alleged in that the statement, "Each fl. Oz. represents Phenobarbital 8 grs.", with respect to the Elixir Luminol, was false and misleading, since each fluid ounce of the article contained less than 8 grains of phenobarbital; in that the statement, "Capsules Sedative represents Ammonium Bromide 2½ gr." with respect to the Capsules Sedative, was false and misleading, since each capsule contained more than 2½ grains, namely, not less than 3.1 grains of ammonium bromide; in that the statement, "Amidopyrine Grs. 2½", with respect to the Amidonal capsules, was false and misleading, since each of said capsules contained more than 2½ grains, namely, not less than 2.807 grains of amidopyrine; and in that the statement, "Amidopyrine Grs. 1½", with respect to the Cincopyrans capsules, was false and misleading, since each of said capsules contained more than 1½ grains, namely, not less than 1.87 grains of amidopyrine. Misbranding of the Capsules Sedative was alleged for the further reason that certain statements on the bottle label, falsely and fraudulently represented that the article was effective as a treatment for nervousness and insomnia due to overwork or worry, sexual excess, epilepsy, or delirium. Misbranding of the Elixir Luminol was alleged for the further reason that it contained alcohol and the label on the package failed to bear a statement of the quantity or proportion of alcohol contained in the article.

On September 21, 1934, a plea of nolo contendere was entered and the court found the defendants guilty and imposed a fine of \$150.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23235. Adulteration and misbranding of Madame Heil Ammon's Get Well, Eat Well, Gall Stone Remedy, Antiseptic Wash, and Stay Young; and misbranding of Madame Heil Ammon's Oil Gall Stone Remedy. U. S. v. Catherine Heil Ammon (Home Remedy Co.). Plea of guilty. Fine, \$100 and costs. (F. & D. no. 31364. Sample nos. 2978-A, 10862-A to 10865-A, incl. 33787-A, 33788-A, 33793-A, 33794-A, 34041-A, 34042-A.)**

This case was based on interstate shipments of certain "Madame Heil Ammon's" remedies, the labeling of which contained unwarranted curative and therapeutic claims. The Get Well, Eat Well, Gall Stone Remedy, and Stay Young contained less alcohol than declared on the labels. Bacteriological tests of the Antiseptic Wash showed that it was not an antiseptic when used as directed.

On August 14, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in



the district court an information against Catherine Heil Ammon, trading as the Home Remedy Co., Pittsburgh, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act as amended, on or about January 3, January 4, January 6, and January 17, 1933, from the State of Pennsylvania into the States of Minnesota, New York, Illinois, and Missouri of quantities of Madame Heil Ammon's Get Well, Eat Well, Gall Stone Remedy, Antiseptic Wash, and Stay Young, which were adulterated and misbranded, and of quantities of Madame Heil Ammon's Oil Gall Stone Remedy which was misbranded. The articles were labeled in part: "Madame Heil Ammon's Get Well [or "Eat Well", "Gall Stone Remedy", "Antiseptic Wash", "Stay Young", or "Oil Gall Stone Remedy"] \* \* \* Prepared by the Home Remedy Co. \* \* \*

Analyses of samples of the articles showed that the Get Well, Eat Well, Stay Young and one sample of the Gall Stone Remedy consisted essentially of extracts of plant drugs, alcohol (7.8 percent, 10.7 percent, 8.9 percent, and 8.8 percent, respectively), and water; that one sample of the Gall Stone Remedy consisted essentially of extracts of plant drugs, alcohol (8.5 percent by volume), and water and was accompanied by a small envelop containing Epsom salts; that one sample of the Gall Stone Remedy consisted essentially of extracts of plant drugs, including podophyllum, alcohol (8.6 percent by volume), and water, and was accompanied by a small envelop containing Epsom salts; that the two samples of the Oil Gall Stone Remedy consisted essentially of an oil having the odor of olive oil, and extracts of plant drugs including podophyllum; and that the sample of Antiseptic Wash consisted essentially of extracts of plant drugs and water, and was accompanied by a box of suppositories consisting essentially of boric acid, ammonium alum, fats, and waxes. Tests of the Antiseptic Wash showed that it was not an antiseptic wash when used as directed.

The information charged adulteration of the Get Well, Eat Well, Gall Stone Remedy, and Stay Young, in that they fell below the professed standard and quality under which they were sold since they were represented to contain 15 percent of alcohol, whereas they contained less than 15 percent of alcohol. Adulteration of the Antiseptic Wash was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to be an antiseptic wash, when used as directed; whereas it was not an antiseptic wash when used as directed.

Misbranding of the Get Well, Eat Well, Gall Stone Remedy and Stay Young was alleged for the reason that the statements on the labels, "15 Per Cent Alcohol" or "15% Alcohol", were false and misleading, since they contained less than 15 percent of alcohol; and for the further reason that they contained alcohol and the labels failed to bear a statement of the quantity or proportion of alcohol contained therein. Misbranding of the Antiseptic Wash was alleged for the reason that the statement, "Antiseptic Wash", borne on the bottle label, was false and misleading, since the article was not an antiseptic when used as directed. Misbranding was alleged with respect to all products for the reason that certain statements in the labeling, falsely and fraudulently represented that they were effective (Get Well, bottle and carton) as a treatment, remedy, and cure for kidney and bladder ailments; effective to clean, heal, and strengthen the urinary organs, to remove gravel and stone and to strengthen the bladder so that urine can be retained and prevent getting up at night; effective to relieve lumbago, backache, sore and stiff feeling in the morning especially across the loins, dizzy spells, nervousness, rheumatism, sour stomach, tired and languid feeling, and many other ills due to uric acid in the system; effective as a never failing kidney and bladder remedy; effective to insure the urine to flow freely and to dissolve gravel and stone; (Get Well, circular) as a treatment, remedy, and cure for nervousness, rheumatism, sleeplessness, nervous breakdown, sour stomach, loss of appetite, headache, soreness and stiffness on arising with pain across the loins, lack of ambition, anemia, fatigue, getting up at night, shortness of breath, heart trouble, dropsy, swelling of limbs, suppression of urine, acid condition of the system, and other complications due to uric acid; effective as a relief for heart trouble and rheumatism caused by uric acid; effective to clean the bowels; effective to remove decayed matter that will remain in the bowels for months and sometimes for years; effective as a treatment, remedy, and cure for fits, convulsions, hysteria, asthma, bronchitis, Bright's disease, sugar diabetes, dizzy spells, auto-intoxication, and numerous other ailments caused by uric acid; effective to relieve prostate gland trouble;

effective as a treatment for pregnant women; and effective as a treatment, remedy, and cure for prolapsus, leaking kidney, inflammation of the bladder, complication of diseases, inflammation of the kidneys, and swollen ankles; (Eat Well, bottle, carton, circulars, and booklet) as a treatment, remedy, and cure for stomach and liver troubles; effective to give tone to the stomach and to act upon the liver by increasing the flow of bile and to promote its ejection; effective to increase and improve the secretion and movement of the stomach, and as a relief of indigestion, dyspepsia, and loss of appetite; effective to promote health and to relieve pain, anguish, and agony; effective as a treatment, remedy, and cure for indigestion; and effective as a stomach and liver tonic; (Oil Gall Stone Remedy, bottle and carton) as a remedy for gall stones; (Oil Gall Stone Remedy, circulars and booklet) as effective as a treatment in all cases of gall stones or any trouble in the gall bladder, intestinal tract, and appendix; and effective as a treatment of many complications such as soreness or heavy feeling at the pit of the stomach, sometimes extending to right or left side under the short ribs, pain in back extending up under the shoulder blades, stomach disorder, distention after eating, loss of appetite, energy and strength, debilitation, gas, belching, headache, dyspepsia, indigestion, constipation, biliousness, colic, irritability, nervousness, depression, melancholia, auto-intoxication, malassimilation, malnutrition or wasting of the flesh; effective as a treatment for stomach trouble due to liver and gall stone disturbance; effective to remove gall stones; and effective as a treatment, remedy, and cure for sick headache, weak and run-down condition and bilious attacks; effective as a cure for gall stones, stomach, liver and bowel disorders; effective to clean and strengthen the gall bladder and help to expel gall stones and other poisonous matter located in the gall bladder, intestinal tract, and appendix; and effective as a treatment for hepatic colic, acute indigestion, intense pain, vomiting, cold and clammy skin, and great prostration due to gall stones; effective to relieve every uncomplicated case of gall stones and appendicitis; effective to promote health and to relieve pain, anguish, and agony; and effective as a preventive of kidney trouble, heart trouble, diabetes, and cancer; (Gall Stone Remedy, carton and bottle) as a remedy for the relief of gall stones, stomach, liver and bowel disorders; effective to clean and strengthen the liver, stomach and bowels and increase the flow of bile; effective as a relief of hepatic colic, soreness at the pit of the stomach extending around the right side, vomiting, distention after eating, loss of appetite, strength and energy, heavy feeling at pit of stomach, and pains at either the right or left side under the short ribs often extending upwards to the shoulder blades; (Gall Stone Remedy, circulars and booklet) as a treatment for stomach disorder, distention after eating, loss of appetite, energy and strength, debilitation, gas, belching, headache, dyspepsia, indigestion, constipation, biliousness, colic, irritability, nervousness, depression, melancholia, auto-intoxication, malassimilation, malnutrition, or wasting of the flesh, due to gall stones; effective as a treatment for stomach trouble due to liver and gall stone disturbance; effective to remove gall stones; effective as a treatment, remedy, and cure for sick headache, weak and run-down condition, bilious attacks and indigestion; effective to promote health and to relieve pain, anguish, and agony; effective as a cure for gall stones, stomach, liver and bowel disorders; effective to clean and strengthen the gall bladder, and help expel gall stones and other poisonous matter located in the gall bladder, intestinal tract, and the appendix; effective as a treatment for hepatic colic, acute indigestion, intense pain, vomiting, cold and clammy skin, and great prostration due to gall stones; effective to relieve every uncomplicated case of gall stones and appendicitis; effective as a treatment for all stomach trouble due to gall bladder disturbance; effective as a treatment for kidney trouble, heart trouble, diabetes, and cancer due to neglected gall bladder conditions; and effective as a treatment for congested gall bladder caused by an infection or catarrhal condition; (Antiseptic Wash, bottle, circular, and folder) as a healing and strengthening power in female troubles; effective to draw the inflammation from the generative organs; effective when used in connection with Stay Young to insure good health, strength, and vitality regardless of the length of previous sickness; effective as a treatment, remedy, and cure for all female weakness and disorders; effective to strengthen and restore health to the generative organs and as a positive relief from ulceration, inflammation, anteversion, retroversion and prolapsus, leucorrhea, ovarian troubles, difficult menstruation, cysts and fibroid tumors, and congestion and falling of the womb; and effective when used in connection with Stay Young X Medicine as a treatment, remedy, and cure for profuse menstruation



or flooding spells, symptoms of female weakness, such as nervousness, headache, backache, pains in the lower part of the abdomen, sometimes with bearing down pain, down and out feeling, low spirits, a tired languid feeling, no ambition, bladder trouble, caused by enlarged womb pressing against the bladder, and leucorrhea; (Stay Young, bottle and carton) as effective, when used by young girls, to retain youth and as a treatment, remedy, and cure for all female weaknesses and disorders, to strengthen and restore to good health the generative organs, and as a positive relief for ulceration, inflammation, anteversion, retroversion, and prolapsus, leucorrhea, ovarian troubles, difficult menstruation, cysts and fibroid tumors, congestion and falling of the womb; effective when used in connection with Antiseptic Wash and Suppository by women, to insure youth, and as a treatment, remedy and cure for all female weaknesses and disorders, to strengthen and restore to good health the generative organs and as a positive relief for ulceration, inflammation, anteversion, retroversion and prolapsus, leucorrhea, ovarian troubles, difficult menstruation, cysts and fibroid tumors, and congestion and falling of the womb; and effective when used in connection with Stay Young X as a treatment, remedy, and cure for profuse menstruation.

On October 29, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$100 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23236. Adulteration and misbranding of syrup of hypophosphites compound, elixir iron pyrophosphites, quinine and strychnine, and elixir triple bromides; and misbranding of fluid extract of hydrastis aqueous.** U. S. v. P. H. Mallen Co. *Plea of nolo contendere.* Fine, \$200 and costs. (F. & D. no. 31441. Sample nos. 3663-A, 3664-A, 3665-A, 3667-A.)

This case was based on an interstate shipment of certain drug preparations recognized in the National Formulary, which fell below the standard laid down in that authority, and which contained certain therapeutic agents in amounts differing from those declared on the labels. The case also covered a product labeled to convey the impression that it was fluidextract of hydrastis, a product recognized in the United States Pharmacopoeia, but which consisted of a weak alcoholic solution of hydrastis, containing materially less of the alkaloids of hydrastis and alcohol than the pharmacopoeial product. The labeling of all products contained unwarranted curative and therapeutic claims.

On May 24, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the P. H. Mallen Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about July 21, 1932, from the State of Illinois into the State of Michigan, of quantities of pharmaceuticals which were misbranded and portions of which were also adulterated. The articles were labeled: "Fluid Hydrastis Fluid Extract Hydrastis Can. Aqueous Golden Seal"; "Syrup Hypophosphites Compound (Hematic) Each Fluid Ounce Contains \* \* \* Quinine Hypophosphites 1 grain Strychnine Hypophosphites  $\frac{1}{16}$  Grain"; "Elixir Iron Pyrophosphites, Quinine and Strychnine Each Fluid ounce contains: \* \* \* Quinine Sulphate 4 grains, Strychnine  $\frac{1}{16}$  grains Alcohol 20%"; "Elixir Triple Bromides Each Ounce Contains Bromide Ammonia 40 Grains Bromide Potassium 40 Grains Bromide Sodium 40 Grains Prepared by P. H. Mallen Company, Chicago."

The information charged adulteration of certain of the products in that they were sold under names recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said formulary official at the time of investigation in the following respects: The syrup of hypophosphites compound contained not more than 5.25 grams of hypophosphorous acid per 1,000 cubic centimeters, equivalent to 2.39 grains per fluid ounce, and not more than 0.83 gram anhydrous quinine and strychnine per 1,000 cubic centimeters, equivalent to 0.40 grain per fluid ounce, whereas the formulary provides that syrup of hypophosphites compound shall contain the equivalent in hypophosphorous acid of not less than 7.95 grams per 1,000 cubic centimeters, equivalent to 3.6 grains per fluid ounce, and not less than 1.06 grams of anhydrous quinine and strychnine per 1,000 cubic centimeters, equivalent to 0.48 grain per fluid ounce; the elixir iron pyrophosphites, quinine and strychnine contained not more than 0.728 gram of anhydrous quinine and strychnine per 1,000 cubic centi-



meters, equivalent to 0.33 grain per fluid ounce, and not more than 13.4 percent of alcohol by volume; whereas the formulary provides that the product should contain quinine sulphate and strychnine in a quantity equivalent to not less than 6.64 grams of anhydrous quinine and strychnine per 1,000 cubic centimeters, equivalent to 3.03 grains per fluid ounce, and not less than 17.85 percent of alcohol by volume; the elixir triple bromides contained less than 80 grams, namely, not more than 67.42 grams of ammonia bromide, and less than 160 grams, namely, not more than 147 grams of potassium bromide and sodium bromide combined per 1,000 cubic centimeters; whereas the formulary provides the elixir triple bromides should contain not less than 80 grams each of ammonia bromide, potassium bromide, and sodium bromide per 1,000 cubic centimeters; and the standard of strength, quality, and purity of the articles was not declared on the container. The said products were alleged to be further adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in the following respects: (Syrup hypophosphites compound) Each fluid ounce was represented to contain 1 grain of quinine hypophosphites and  $\frac{1}{16}$  grain of strychnine hypophosphites, whereas each fluid ounce contained less than 1 grain of quinine hypophosphites and less than  $\frac{1}{16}$  grain of strychnine hypophosphites; (elixir iron pyrophosphites, quinine and strychnine) each fluid ounce was represented to contain 4 grains of quinine sulphate,  $\frac{1}{16}$  grain of strychnine, and 20 percent of alcohol, whereas each fluid ounce contained less than 4 grains of quinine sulphate, less than  $\frac{1}{16}$  grain of strychnine and less than 20 percent of alcohol; (elixir triple bromides) each fluid ounce was represented to contain 40 grains of bromide ammonia, bromide potassium, and bromide sodium, whereas each fluid ounce contained less than 40 grains each of bromide ammonia, bromide potassium, and bromide sodium.

Misbranding of the fluidextract hydrastis aqueous was alleged for the reason that the statement, "Fluid Extract Hydrastis Can. Aqueous", borne on the label was false and misleading, since the article was a weak alcoholic solution of hydrastis; and for the further reason that it contained alcohol and the label on the bottle failed to bear a statement of the quantity and proportion of alcohol contained therein.

Misbranding of the remaining products was alleged in that the following statements in the labelings, were false and misleading: "Syrup Hypophosphites Compound Each Fluid Ounce Contains Quinine Hypophosphites 1 grain Strychnine Hypophosphites  $\frac{1}{16}$  Grain"; "Elixir Iron Pyrophosphites, Quinine and Strychnine Each fluid ounce contains: Quinine Sulphate 4 grains Strychnine  $\frac{1}{16}$  grain Alcohol 20%"; "Elixir Triple Bromides Each Ounce Contains: Bromide Ammonia 40 Grains, Bromide Potassium 40 Grains and Bromide Sodium 40 Grains."

Misbranding was alleged for the further reason that certain statements on the labels, regarding the curative and therapeutic effects of the articles, falsely and fraudulently represented that they were effective (fluidextract hydrastis aqueous) as a treatment, remedy, and cure for leucorrhoea, gonorrhoea, balanitis, cystitis, catarrh of the stomach and intestines; (syrup hypophosphites compound) as a treatment, remedy, and cure for the simple anaemia of youth, acute diseases, grave cachexia of phthisis and other forms of tubercular diseases; (elixir iron pyrophosphites, quinine, and strychnine) as an anti-periodic; and as a treatment of cases of lassitude and debility induced by malarial states of the system; and effective as an invigorant in convalescence from fevers and cases of anaemia and in some forms of dyspepsia where the tone of the digestive organ is lacking; (elixir triple bromides) to control vomiting of cerebral congestion; and effective as a treatment in pregnancy, and for flatulent colic, crying and restlessness in young children, irregular heart action, hysteria, Graves' disease, cerebral congestion, insomnia, mental fatigue, and delirium in disease.

On September 25, 1934, a plea of nolo contendere was entered on behalf of the defendant, and the court imposed a fine of \$200 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23237. Misbranding of Cal-Spa Mineral Water. U. S. v. (Dr.) Everett H. Hobson, Robert U. Bronson, and James G. LeQuime (Natural Products Co.). Pleas of guilty. Fines, \$900. (F. & D. no. 31456. Sample nos. 30981-A, 40113-A.)**

This case was based on shipments of mineral water, the labels of which contained unwarranted curative and therapeutic claims. Analyses showed that the product contained less potassium iodide than declared on the label.

On June 29, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against (Dr.) Everette H. Hobson, Robert U. Bronson, and James G. LeQuime, copartners trading as the Natural Products Co., Eugene, Oreg., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about March 25, 1933, from the State of Oregon into the States of Washington and Ohio, of quantities of Cal-Spa Mineral Water which was misbranded. The article was labeled in part: "Cal-Spa Mineral Water The Natural Calcium Tonic \* \* \* Certified Analysis Grains Per U. S. Gallon \* \* \* Potassium Iodide 106.00 \* \* \* Natural Products Company, Eugene, Oregon."

Analyses of a sample from each shipment showed (1) the water contained salts of calcium and sodium and 2 grains of potassium iodide per gallon; (2) a water solution of the salts of calcium, magnesium, potassium, and sodium with chloride and iodide, the total iodine calculated to potassium iodine being 1.4 grains per gallon.

The information charged misbranding in that certain statements regarding the curative and therapeutic effects of the article, borne on the bottle label, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for kidney ailments, stomach disorders, pulmonary infection, skin eruptions, hay fever, catarrh, rheumatism, goiter, nervousness, and very run-down conditions; effective as a general tonic in regaining and maintaining normal health; effective as a corrector of acidity; effective to eliminate poisons; and effective as a tonic. Misbranding was alleged for the further reason that the statement, "Certified Analysis Grains per U. S. Gallon \* \* \* Potassium Iodide 106.00", borne on the bottle label, was false and misleading, since each United States gallon of the article contained less than 106 grains of potassium iodide.

On October 23, 1934, the defendants entered pleas of guilty and the court imposed a fine of \$300 against each defendant, a total of \$900.

M. L. WILSON, *Acting Secretary of Agriculture.*

**2323S. Misbranding of Cal-Spa Mineral Water. U. S. v. James G. LeQuime. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 31457. Sample no. 23040-A.)**

This case was based on a shipment of mineral water, the label of which contained unwarranted curative and therapeutic claims.

On September 14, 1934, the Grand Jurors of the United States, presented in the United States District Court for the Western District of Washington, an indictment against James G. LeQuime, Seattle, Wash., charging shipment by said defendant, on or about March 1, 1933, from the State of Washington into the State of California, of a quantity of Cal-Spa Mineral Water which was misbranded. The article was labeled in part: "Cal-Spa \* \* \* Mineral Water. \* \* \* Natural Products Co., Eugene, Oregon."

Analysis of a sample showed that the product was a water solution of the salts of calcium, magnesium, potassium, and sodium with chloride and iodide, the total iodine calculated to potassium iodide being 1.75 grains per United States gallon.

Misbranding was charged in the indictment in that certain statements, designs, and devices on the bottle label, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for kidney ailments, stomach disorders, pulmonary infection, skin eruptions, hay fever, catarrh, rheumatism, goiter, nervousness, and very run-down conditions; effective as a general tonic in regaining and maintaining normal health; effective as a corrector of acidity; effective to eliminate poisons; and effective as a tonic.

On October 1, 1934, the defendant was arraigned, pleaded guilty, and was sentenced to pay a fine of \$100 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23239. Misbranding of Cre-Cal-Co. U. S. v. Creo-Chemical Co. and William M. Morgan. Pleas of guilty. Fine, \$50. (F. & D. no. 31461. Sample no. 26888-A.)**

This case was based on an interstate shipment of a drug preparation, the labels of which contained unwarranted curative and therapeutic claims.

On April 30, 1934, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district



court an information against the Creo-Chemical Co., a corporation, trading at San Antonio, Tex., and William M. Morgan, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about November 23, 1932, from the State of Texas into the State of Indiana, of a quantity of Cre-Cal-Co, which was misbranded. The article was labeled in part: "Cre-Cal-Co. Copyright 1922 by George McDaniel Callaway \* \* \* Manufactured by Creo-Chemical Company."

Analysis of a sample showed that the article consisted essentially of a small proportion of a phenolic substance such as creosote and approximately 99 percent water.

The information charged that the article was misbranded in that certain statements regarding its curative and therapeutic effects, appearing on the bottle and carton labels, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for la grippe, influenza, pneumonia, chronic catarrh, bronchitis, tuberculosis and any germ infection; effective as of great value in all acute germ infection; effective as of great value in the treatment of all germ conditions and of the greatest value in all acute germ infections; and effective to insure constitutional benefit and as a treatment for all affections of the nose, throat, and lungs, and for deep-seated germ infection, acidosis, and poor elimination.

On October 13, 1934, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23240. Misbranding of Epsom salt, U. S. v. 1,461 Five-Pound Bags of Epsom Salt. Decree of condemnation with provision for release under bond conditioned that containers be destroyed. (F. & D. no. 31542. Sample no. 43598-A.)**

This case involved a shipment of Epsom salt, the labels of which bore unwarranted curative and therapeutic claims.

On November 9, 1933, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,461 five-pound bags of Epsom salt at Albany, N. Y., alleging that the article had been shipped in interstate commerce, on or about September 5, 1933, by the Texaco Salt Products Co., from Tulsa, Okla., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Epsom Salt U. S. P. National Pharmacy Co., New York."

The article was alleged to be misbranded in that the following statements on the package containing the article, regarding its curative or therapeutic effects, were false and fraudulent: "Beneficial in Rheumatic Conditions. Aids in the Reducing of Adipose Tissue. Relieves \* \* \* Aching Feet, \* \* \* For reducing \* \* \* For—Aching Feet."

On March 24, 1934, McKesson & Robbins, Inc., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product might be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, or the deposit of cash collateral in like amount conditioned that it should not be disposed of in violation of the law, and that the containers be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23241. Misbranding of Mi-Cro-Line Bladder and Kidney Remedy. U. S. v. 33 Bottles of Mi-Cro-Line Bladder and Kidney Remedy. Default decree of condemnation and destruction. (F. & D. no. 31807. Sample no. 52735-A.)**

This case involved a drug preparation, the labels of which contained unwarranted curative and therapeutic claims.

On January 10, 1934, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 bottles of Mi-Cro-Line Bladder and Kidney Remedy at Tucson, Ariz., alleging that the article had been shipped in interstate commerce, on or about June 5, 1933, by the Eucaline Medicine Co., from Dallas, Tex., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of volatile oils including eucalyptus oil and methyl salicylate (75 percent), benzoic acid (approximately 1 percent), and a nonvolatile oil (approximately 24 percent).



The libel charged that the article was misbranded in that the statement on the carton, "Guaranteed under the Food and Drugs Act, June 30, 1906, No. 1842", was misleading, since it created the impression that the article had been examined and approved by the Government and that the Government guaranteed that it complied with the law; whereas it had not been so approved, and the Government did not guarantee that it complied with the law. Misbranding was further charged in that certain statements on the carton and bottle label, and in the circular, falsely and fraudulently represented that it was effective in the treatment of bladder and kidney troubles, gravel, diabetes, seminal emission, weak and lame back, catarrh of the bladder, incontinence of urine, dropsy and all irregularities of the bladder and kidneys in either sex, bladder troubles in children, bed-wetting in children, stone in the bladder, inflammation and irritation of the bladder and kidneys; and effective as a treatment of brick dust deposits, highly colored urine, uric acid poison, hemorrhage of the kidneys, urinary troubles, such as stoppage of the urine, calculi, gravel, cystitis, retention of the urine, painful urination, backache, scanty urine, gall stones, tired feeling, sleeplessness, feeling of weakness, nervousness, etc., swelling of feet and ankles, acute and chronic rheumatism, gout, anaemia, headache, neuralgia, pain in the joints and hips, tired feeling, blood diseases, catarrh, scrofula, cancerous sores, boils, and all forms of skin diseases; effective as a treatment of kidney and bladder troubles in women which cause pain or weight in loins, backache, swelling of limbs or feet, swelling under the eyes, uneasy and tired feeling in the region of the kidneys, depression of spirits, reluctance to go anywhere or do anything, dragging sensations, nervousness, and sleeplessness, and which are commonly mistaken for female diseases; effective as a treatment of kidney trouble which affects the heart action, brain power, stomach, digestive organs, deranges the liver, and throws the whole system out of order; and as effective to give new energy, life and power to the kidneys, new color to the blood, new life to the body, vigor to the mind, and to strengthen the muscles.

On October 20, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23242. Misbranding of Double-Duty Poultry Wormers. U. S. v. 137 Packages of Double-Duty Poultry Wormers. Consent decree of condemnation and destruction. (F. & D. no. 32062. Sample no. 63617-A.)**

This case involved a drug preparation, the labels of which contained unwarranted curative and therapeutic claims.

On March 2, 1934, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 137 packages of Double-Duty Poultry Wormers at Topeka, Kans., alleging that the article had been shipped in interstate commerce on or about January 2, 1934, by the Concentrate Products Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of materials derived from plant drugs including kamala, areca-nut, and a laxative drug, and mercurous chloride (0.8 percent).

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Carton) "Double Duty Poultry Wormers \* \* \* removes tape worms and large round worms (*Ascaridia*) from all kinds of poultry"; (circular) "Double-Duty-Poultry Wormers \* \* \* Expel both large Round Worms and Tape Worms from Poultry. Symptoms of Worms Poultry infested with only a few worms may show no physical evidence of their presence, but worms multiply rapidly when left alone. The first sign of infestation is usually loss of vigor; then gradual loss of flesh; plumage gets dull; eyes pale and shrunken. Frequently a paralytic condition of the legs, wings or neck develops. Birds often go blind—egg production drops and mortality is high especially among young stock. It is safe to suspect worms of being a contributing factor whenever a flock shows signs of losing its natural vigor. Worm Control Control measures to protect poultry against the ravages of intestinal parasites—round worms and tape worms—to be successful must consist of an adequate sanitation program and intelligent medica-

tion at definite times \* \* \* Double-Duty Poultry Wormers are in tablet form for individual dosing. The one treatment expels both large round worms and tape worms. Individual dosing with a reliable vermifuge is generally recognized as being the most efficient method for the treatment of wormy poultry and as poultry is infested with both round and tape worms a combination treatment that will expel both kinds is preferable. Poultry that is heavily infested with worms will have many embryo worms in the intestines that will soon develop into mature worms. That is why in some cases two treatments are necessary. They should be given about two or three weeks apart. The use of Double-Duty Tablets as directed, coupled with an efficient sanitary program, can be depended upon to hold worm infestation to a minimum. \* \* \* The entire flock should be wormed twice each year with Double-Duty \* \* \* The North Dakota Agricultural College recently issued a caution to turkey raisers reading in part as follows: 'The young turkey 4 to 6 weeks of age heavily infested with tape worms has little vitality at best and will soon die if not relieved. Therefore, losses that occur after treatment may be due to the birds being too far gone before treatment was given.' Where worm infestation is at all heavy the intestines are usually inflamed and in many cases disease germs are present.'

On October 5, 1934, the consignor and consignee having withdrawn their answer filed to the libel and having confessed judgment, a decree was entered condemning the product and ordering that it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23243. Adulteration and misbranding of rubbing alcohol. U. S. v. Albert Cohan, Ira Cohan, Ben Cohan, and Jack Cohan (Pine Forest Co.). Pleas of guilty. Fines, \$50. (F. & D. no. 32138. Sample no. 40945-A.)**

This case was based on a shipment of a product represented to contain 70 percent of ethyl alcohol, but which contained no ethyl alcohol, and did contain approximately 58.6 percent of isopropyl alcohol.

On June 25, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Albert Cohan, Ira Cohan, Ben Cohan, and Jack Cohan, copartners, trading as the Pine Forest Co., Chicago, Ill., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about May 5, 1933, from the State of Illinois into the State of Wisconsin, of a quantity of rubbing alcohol which was adulterated and misbranded. The article was labeled in part: "Rubbing Alcohol Compound \* \* \* Alcohol 70 Per Cent \* \* \* Schlitz Bros. Co. Appleton, Wis."

The information charged that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to contain 70 percent of ethyl alcohol, whereas it contained no ethyl alcohol and contained not more than 58.6 percent of isopropyl alcohol.

Misbranding was alleged for the reason that the statement, "Rubbing Alcohol Compound \* \* \* Alcohol 70 Per Cent", borne on the bottle label, was false and misleading, since the said statement represented that the article contained 70 percent of ethyl alcohol, whereas it contained no ethyl alcohol and contained not more than 58.6 percent of isopropyl alcohol. Misbranding was alleged for the further reason that the article contained isopropyl alcohol, and the label failed to bear a statement of the quantity or proportion of isopropyl alcohol contained therein.

On October 8, 1934, the defendants entered pleas of guilty and were sentenced to pay fines totaling \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23244. Misbranding of St. Joseph's Moraine Petroleum Jelly, and Tee-Tone Pure Aspirin. U. S. v. Plough, Inc. Plea of guilty. Fine, \$200. (F. & D. no. 32211. Sample nos. 42943-A, 42944-A.)**

This case was based on a shipment of petroleum jelly, and aspirin tablets, the labels of which contained unwarranted curative and therapeutic claims.

On September 29, 1934, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Plough, Inc., trading at Brooklyn, N. Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about July 28, 1932, from the State of New York into the State

of Pennsylvania, of quantities of petroleum jelly and aspirin tablets which were misbranded. The articles were labeled in part: "Genuine St. Joseph's Moraline \* \* \* Blended Petroleum Jelly \* \* \* A Product of St. Joseph's Laboratories, New York"; "Tee-Tone Pure Aspirin Five Grain Tablets \* \* \* Tee-Tone Company Memphis, Tenn."

The information charged misbranding of the petroleum jelly in that certain statements on the jar label, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for piles; effective as a dressing for sores and wounds; and effective to relieve sore throat and coughs. Misbranding of the aspirin tablets was alleged in that certain statements on the box label, regarding the curative and therapeutic effects of the article, falsely and fraudulently represented that it was effective for the relief of rheumatism, lumbago, sore throat, toothache, earache, influenza, and sleeplessness.

On October 26, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23245. Misbranding of Devonshire's Earth Salts, U. S. v. 64 Packages of Devonshire's Earth Salts. Default decree of condemnation and destruction. (F. & D. no. 32494. Sample no. 65139-A.)**

This case involved the shipment of a product labeled to convey the misleading impression that it contained all the minerals found in the various foods in a form assimilable by the body. The labels also bore unwarranted curative and therapeutic claims.

On April 6, 1934, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 64 packages of Devonshire's Earth Salts at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce, on or about March 11, 1934, by F. S. Powers & Co., from Crystal Lake, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of a calcium phosphate and sodium chloride with small proportions of sulphur; and compounds of iron, magnesium, potassium, and aluminum, including carbonate and silicate.

The libel charged that the article was misbranded in that the following statements appearing on the carton were false and misleading: "The Earth Salts \* \* \* being an exact copy of the mineral matter found in the food-stuffs." Misbranding was alleged for the further reason that the carton and circular shipped with the article contained false and fraudulent representation relative to its effectiveness in the treatment of pneumonia, cancer, tuberculosis of the throat, typhoid fever, diphtheria, sore and ulcerated throat, kidney and bowel trouble, appendicitis, intestinal worms, and tape worms, locomotor ataxia, paralysis of the bowel, nervous diseases, neuralgia, insomnia, nervous headaches and paralysis, rheumatism, lumbago, sciatica, neuritis, stomach trouble, constipation, diseases of the kidney, spleen and liver, skin diseases, malaria fever, high blood pressure, boils, abscesses, goiter, tumors, stomach ulcers, chills, colds, bronchitis, snake bites, delirium tremens, diabetes, social diseases, heart trouble; and to rebuild the bowel tract and stomach, rebuild starved lungs and vital processes, restore the vitality of the nerves, maintain the hair, prevent starvation of the teeth, improve the quality and quantity of the mother's milk, prevent difficulties in menstruation and during change of life, barrenness and sterility.

On July 12, 1934, H. C. Johnson, trading as F. S. Powers & Co., claimant, having admitted the allegations of the libel and having filed a good and sufficient bond, the product was ordered released to be relabeled. On October 22, 1934, the claimant having failed to relabel the goods and pay costs, judgment of condemnation was entered, and it was ordered that they be destroyed.

M. L. WILSON, *Secretary of Agriculture.*

**23246. Adulteration and misbranding of Men-Tho-Eze. U. S. v. 42 Small Packages and 4 Large Packages of Men-Tho-Eze. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32542. Sample nos. 65259-A, 65260-A.)**

This case involved a drug preparation, the labeling of which bore false and misleading claims as to its composition and alleged antiseptic properties, and false and fraudulent claims as to its alleged curative and therapeutic effects.



On April 16, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 43 small packages and 4 large packages of Men-Tho-Eze at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about November 23, 1932, by Men-Tho-Eze, from Fort Dodge, Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of small proportions of volatile oils, including methyl salicylate, incorporated in petrolatum, with but a small proportion, if any, of animal fat. Bacteriological examination showed that it was not antiseptic.

The libel alleged that the article was adulterated in that its strength fell below the professed standard of quality under which it was sold, namely (carton) "Very Antiseptic."

Misbranding was alleged for the reason that the following statements in the labeling, (carton) "It Contains Goose Grease and Turpentine, Very Antiseptic", (circular) "Men-Tho-Eze is a compound of old-fashioned goose grease and turpentine, combined with menthol, wintergreen, peppermint and other \* \* \* essences and oils. It combines grandma's homely \* \* \* remedies of goose grease and turpentine—the goose grease and turpentine cause a counter-irritation", were false and misleading, since it consisted largely of petrolatum and volatile oils and contained but a small proportion, if any, of goose grease and was devoid of antiseptic properties. Misbranding was alleged for the further reason that the jar cap, carton, and circular shipped with the article contained false and fraudulent claims relative to its effectiveness in the treatment of inflammations and congestions, piles, eczema, rheumatism, sore lips, catarrh, hay-fever, asthma, croup, la grippe, sore throat and all bronchial troubles, inflammation of sore membranes of throat and lungs, bronchitis, tonsillitis, chest colds, lame back, lumbago, sores, earache, sore feet, piles, Spanish influenza, and to its effectiveness as a healing agency, allaying irritation and subduing pain of tender internal passages, checking coughs, permitting restful, healing sleep, cutting phlegm and killing germs.

On May 15, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23247. Misbranding of Parkelp. U. S. v. 469 Packages of Parkelp. Default decree of condemnation and destruction. (F. & D. no. 32679. Sample no. 65441-A.)**

This case involved a product which was represented to be of value as a source of minerals and vitamins. Analyses showed that it contained materially less iron, calcium, manganese, and copper than declared on the labels. Tests for vitamins showed that it contained inconsequential amounts of vitamins A and B and no appreciable amount, if any, of vitamin D.

The label also contained unwarranted therapeutic claims.

On May 7, 1934, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 469 packages of Parkelp at Detroit, Mich., alleging that the article had been shipped in interstate commerce, on or about May 26, 1933, by the Philip R. Park Laboratories, Inc., from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of ground plant material containing such inorganic constituents as calcium, magnesium, iron, manganese, copper, sodium, potassium, sulphur, phosphorous, and iodine compounds. Biological analysis showed that it contained but an inconsequential proportion, if any, of vitamin D.

The article was alleged to be misbranded in that the following statements on the carton and in the circular, were false and misleading: (Carton) "Combination of Parkelp's minerals in biological tests has given the effects of vitamins A, B, D, and E"; (circular) "Various Minerals Present in Three Teaspoonfuls of Parkelp \* \* \* Grains \* \* \* Iron  $\frac{1}{2}$  \* \* \* Calcium 2% \* \* \* Manganese 1/120 \* \* \* Copper 1/200 \* \* \* Parkelp is Mother Nature's own food to supply you with the balanced diet of important, needed minerals and vitamins A, B, D, and E in greater quantities than any land-grown vegetables \* \* \* Parkelp balances your diet with necessary minerals and vitamins \* \* \* It is practically impossible to include in the daily diet, sufficient

foodstuffs to supply the Organic Minerals and Vitamins, required by the body." Misbranding was alleged for the further reason that the statement "Vigor-Building", borne on the carton, was a statement regarding the curative or therapeutic effect of the article and was false and fraudulent,

On July 18, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23248. Misbranding of Hill's Nose Drops. U. S. v. 169 Packages of Hill's Nose Drops. Default decree of destruction. (F. & D. no. 32707. Sample no. 41400-A.)**

This case involved a drug preparation, the labeling of which contained unwarranted curative and therapeutic claims.

On May 16, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 169 packages of Hill's Nose Drops at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, on or about April 14, 1934, by the Wyeth Chemical Co., from Detroit, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of ephedrine (0.5 percent) and essential oils, including peppermint oil and methyl salicylate (5 percent), incorporated in mineral oil.

The libel charged that the article was misbranded in that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Bottle label) "Invaluable in the treatment of inflamed mucous membranes of nose and throat"; (carton) "The Modern Aid for Relief of \* \* \* Nasal Catarrh, Hoarseness, Rhinitis, etc., invaluable in the treatment of inflamed mucous membranes of nose and throat"; (circular) "Modern Scientific Way To Care for the Nose and Throat [The anatomical illustrations with descriptive wording] Eye Socket Ethmoid Cells Middle Turbinate Bone Nasal Septum Sinuses Clogged up with Infection Anatomical cross-section of nasal passages within circle as outlined on accompanying sketch. This shows nasal passages and sinuses obstructed by swollen and inflamed mucous membrane which usually develops during colds, hay-fever, rhinitis, etc. Sinuses Free from Infection Normal condition of nasal passages and sinuses; showing free access of air through upper respiratory tract. Note free openings from sinuses in nasal passages. Science Makes Good Use of a great discovery Perhaps one of the greatest scientific discoveries ever made is Ephedrine. It has remarkable properties. When applied to mucous membranes it contracts the hair-like blood vessels and thus diminishes congestion and reduces swelling. When the sinus cavities or nasal mucous membranes are inflamed Ephedrine shrinks the congested areas and so reduces inflammation which is usually the cause of pain and misery. Now, in a great medical laboratory, the way has been found to compound Ephedrine and other clinically proven agents into a \* \* \* healing liquid of marvelous effectiveness. That liquid is Hill's Nose Drops. How and Where Most Colds Start Nearly every breath you take endangers the health of your nose and throat. For the air is laden with germs and irritating dust particles that are the vehicles of disease. Of course, many of these germs are carried away, but some of them lodge in the moist, warm membranes where they thrive and multiply by the millions if neglected. Most coughs and colds start that way. Naturally, the most sensible way to check them is at the spot where they 'catch hold.' And nothing will help you do this quite like Hill's Nose Drops. For Relief and Protection This \* \* \* healing liquid clears away congestion, reduces \* \* \* inflammation to an amazing degree and spreads a comforting, protective film over the mucous membranes of the nasal and throat passages. Thus Hill's Nose Drops help to clear the head, give you relief and aid in preventing infection. Follow These Simple Directions For \* \* \* Hay Fever, Rhinitis and Simple Nasal Infections . . . Tilt back your head and put five or six drops of Hill's Nose Drops up each nostril. Let them filter through the nasal passages and back into the throat. Do this morning and night—oftener if your condition demands it. You'll get relief almost immediately. Soreness will diminish. Congestion is cleared away. Inflammation is reduced \* \* \* Your head clears and you are able to breathe in comfort. For Sore Throat, \* \* \* Gargling or spraying a teaspoonful of Hill's Nose Drops in a half glass of water will ease the



tightness. For Asthmatic Conditions \* \* \* Hill's Nose Drops materially lessen the discomfort caused by asthma."

On October 15, 1934, no claimant having appeared, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23249. Adulteration and misbranding of whisky. U. S. v. 6 Cases of Whisky. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32710. Sample no. 64283-A.)**

This case involved a product labeled, "Whiskey", which failed to conform to the requirements of the United States Pharmacopoeia. The package failed to bear on its label a statement of the percentage of alcohol by volume.

On May 17, 1934, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six cases of whisky at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce, on or about December 18, 1933, by the Penn-Maryland Corporation, from Peoria, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Green River Whiskey—A Blend."

The libel charged that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, or purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement on the secondary bottle label, "All Government regulations have been complied with in the manufacture and bottling of this whiskey", and the statement on the main bottle label, "The whiskey blend without a headache", were false and misleading. Misbranding was alleged for the further reason that the article failed to bear a statement on the label of the quantity or proportion of alcohol contained therein.

On October 22, 1934, the Penn-Maryland Co., Inc., having appeared as claimant, judgment of condemnation and forfeiture was entered, and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23250. Misbranding of Pyro Kil. U. S. v. 24 Bottles of Pyro Kil. Default decree of condemnation and destruction. (F. & D. no. 32771. Sample no. 65792-A.)**

This case involved a drug preparation, the labels of which contained unwarranted curative and therapeutic claims.

On May 28, 1934, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 bottles of Pyro Kil at Ottumwa, Iowa, alleging that the article had been shipped in interstate commerce, on or about May 27, 1933, by the J-L Manufacturing Co., from Kansas City, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of 0.4 percent of a phenolic substance, approximately 4.6 percent of glycerin, and approximately 95 percent of water.

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, appearing on the bottle label, were false and fraudulent: "Pyro Kil \* \* \* for sufferers of Sore, Spongy and Bleeding Gums, Loose Teeth, Ulcers, Caused by Pyorrhea \* \* \* Directions for Using Moore's Pyro-Kil Treatment Take about one tablespoonful in the mouth, work it thoroughly over the teeth and gums for at last three minutes. If the gums are too sore and tender to use Pyro-Kil full strength dilute with warm water but use full strength as soon as possible. Before expelling massage or brush the gums gently. Do not rinse the mouth with water for some time after using. Apply Pyro-Kil at least four or five times each day for the first two or three weeks, depending on results, after which the use of Pyro-Kil once or twice daily will be sufficient to guard against the further development of disease-producing bacteria. In connection with



the use of Pyro-Kil it is important to have the teeth cleaned and scaled by a dentist so as to remove all tartar or other deposits from the teeth that cause irritation and damage to the gum tissue, and which may be the principle cause for Pyorrhea, sore, bleeding gums, ulcers, etc. \* \* \* Pyro-Kil \* \* \* Formerly called Moore's Pyra-Rid."

On September 19, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23251. Adulteration and misbranding of whisky. U. S. v. 16 Cases and 15 Cases of Whisky. Decrees of condemnation. Product released under bond for relabeling.** (F. & D. nos. 32775, 32789. Sample nos. 62049-A, 62050-A.)

These cases involved a product labeled "Whiskey", which failed to conform to the requirements of the United States Pharmacopoeia. The packages failed to bear on their labels a statement of the percentage by volume of alcohol contained in the article. The label of one lot contained unwarranted claims regarding its medicinal properties.

On May 28 and May 29, 1934, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 31 cases of whisky at New Orleans, La., alleging that the article had been shipped in interstate commerce, in various shipments between the dates of January 16 and March 7, 1934, by the Frankfort Distilleries, Inc., from Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "Mattingly & Moore Whiskey A Blend \* \* \* Frankfort Distilleries, Incorporated, Louisville, Kentucky, Baltimore, Maryland." The remainder was labeled, "Four Roses Whiskey A Blend."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged with respect to the Four Roses brand for the reason that the statements on the bottle and carton, "An Alcoholic Stimulant", and (carton only) "Notice To Apply the Prescription Sticker Pull This Flap Open", were false and misleading, since they created the impression that the product was medicinal whisky; whereas it was not.

Misbranding of the Mattingly and Moore brand was alleged for the reason that the statements, (bottle) "For Medicinal Purposes" and (carton) "Rx.", were false and misleading; and for the further reason that the following statements on the carton and bottle labels, were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: "Medicinal properties of Whiskey. An Easily combustible energy providing nutrient where the powers of assimilation are unable to utilize ordinary foods. Beneficial to weakly persons. More especially in the extremes of life. Sudorific power resulting from its relaxation of peripheral circulation has given spiritus frumenti high favor among the profession in both the prevention and treatment of minor infections resulting from exposure such as coryza, rhinitis, bronchitis, influenza and other nasal, laryngeal, bronchial and lobar affections." Misbranding of both brands was alleged for the further reason that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article.

On November 22, 1934, H. Grabenheimer & Sons, Inc., New Orleans, La., having appeared as claimant and having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23252. Misbranding of Sirop D'Anis Gauvin Compound. U. S. v. 90 Bottles of Sirop D'Anis Gauvin Compound. Default decree of condemnation and destruction.** (F. & D. no. 32799. Sample no. 71636-A.)

This case involved a drug preparation labeled to convey the impression that its chief physiological effects were derived from oil of anise, but which depended chiefly for its effects on the morphine content. The labels were further objectionable in that they contained unwarranted curative and therapeutic

claims; the designs and directions indicated that it could be safely used for babies, whereas its morphine content rendered it unsafe for such use; the declarations of alcohol and morphine were inconspicuous, and in the case of the morphine was incorrect.

On June 4, 1934, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 90 bottles of Sirop D'Anis Gauvin Compound at Dover, N. H., alleging that the article had been shipped in interstate commerce, on or about July 11, 1933, by J. A. E. Gauvin, from Lowell, Mass., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of morphine acetate (0.216 grain per fluid ounce), alcohol, sugar, and water flavored with anise oil (less than 0.1 percent).

The libel charged that the article was misbranded in that the following statements in the labeling were false and misleading, (Bottle and wrapper) "Sirop D'Anis Gauvin Compound" and "Sirop D'Anis Gauvin Compose"; (circular) "Sirop d'Anis Gauvin Compound", "Gauvin's Aniseed Syrup"; (wholesale carton) "Sirop D'Anis Gauvin Compound"; in that the background design of babies' heads, appearing on the wrapper label, was false and misleading, since it created the impression that the product could be safely used for babies, whereas it could not; in that the wrapper label failed to bear a statement of the quantity or proportion of alcohol and morphine contained in the article, since the declaration made was inconspicuous and, with respect to morphine, was incorrect,  $\frac{1}{4}$  grain of morphine acetate being declared, whereas the product contained 0.216 grain; and in that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Bottle, wrapper, and circular) "Sirop D'Anis Gauvin Compound" \* \* \* Recommended by the Maker and many who have used it as giving relief in cases of restlessness by alleviating the accompanying pains. It thus induces a soothing effect and restfulness"; (bottle and circular) "Directions To an infant under one month old, 10 to 15 drops; every month more, 5 to 8 drops more. One year old, 1 to 2 teaspoonfuls."

On September 21, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23253. Adulteration and misbranding of Moone's Emerald Oil. U. S. v. 164 Bottles, et al., of Moone's Emerald Oil. Default decrees of condemnation and destruction.** (F. & D. nos. 32812, 32813, 32858, 33259. Sample nos. 68120-A to 68123-A, incl., 6435-B, 6436-B.)

These cases involved shipments of a drug preparation, the labels of which contained unwarranted curative and therapeutic claims. Tests of the article showed that it did not possess the germicidal properties claimed.

On June 5, June 13, and August 17, 1934, the United States attorneys for the Western District of Pennsylvania and the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 515 bottles of Moone's Emerald Oil, in part at Pittsburgh, Pa., and in part at Scranton, Pa., alleging that the article had been shipped in interstate commerce between the dates of October 19, 1933, and July 18, 1934, by the International Laboratories, Inc., from Rochester, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

A sample of the product analyzed by this Department was found to consist essentially of volatile oils, including camphor oil and small proportions of methyl salicylate and phenol, colored green. Bacteriological examination showed that it was incapable of killing a culture of *Staphylococcus aureus* within an hour at body temperature.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Germicide."

Misbranding was alleged for the reason that the statement "Germicide", borne on the label, was false and misleading. Misbranding was alleged for the further reason that the labeling contained false and fraudulent representations regarding its effectiveness to promote healthful healing, as a surgical assistant in the more serious conditions, as a relief from discomfort, as a comforting analgesic in stubborn irritated conditions attended by profuse suppuration, as a treatment for objectionable discharge and other objectionable



symptoms, simple irritation, acne, pimples, soft corns and bunions, toe itch, varicose and swollen veins, varicose ulcers when due to enlarged veins, dandruff, scaly irritation of the scalp, effective as an antiseptic and deodorant in chronic disease, and as a relief in incurable disease, as a treatment for wrenched muscles, ligaments or tendons; effective as a nasal or throat spray in the treatment of catarrhal conditions; and as effective to promote the formation of new and healthy skin.

On September 12 and September 28, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23254. Misbranding of Adgene. U. S. v. 36 Packages and 24 Packages of Adgene. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32833. Sample nos. 67571-A, 67572-A.)**

This case involved a product that was labeled with false and misleading claims regarding its constituents and food value, and false and fraudulent claims regarding its alleged therapeutic properties.

On June 7, 1934, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 36 large packages and 24 small packages of Adgene at Jamaica, N. Y., alleging that the article had been shipped in interstate commerce on or about February 6, 1934, by Adgene, Inc., from Paterson, N. J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of barley malt, sugar, cocoa, and 5.3 percent of ash, including calcium and phosphorous compounds.

The libel alleged that the article was misbranded under the provisions of the law applicable to food, in that the following statements in the labeling were false and misleading: (Metal container) "Adgene is a \* \* \* perfectly balanced, concentrated food beverage constituting complete nourishment in itself. \* \* \* Adgene forms a creamy drink and a veritable meal of energy in each cup or glass. \* \* \* A Concentrated Food Beverage"; (circular) "A Concentrated Food Beverage Now that you have bought Adgene you will discover the wonderful results that modern science and skill bring to you in a concentrated food beverage. \* \* \* A proper diet contains suitable quantities of carbohydrates, fats, proteins, mineral salts and the essential vitamins. The body is constantly in need of these elements. When any one of them is missing from the diet, sickness in some form invariably results. The average American diet, however, as almost all medical authorities agree, is usually deficient in one or more of these properties. Adgene is a properly balanced food. \* \* \* Barley is used as a modifier of fresh cow's milk. When meeting the gastric juice, cow's milk has a tendency to form a large tough casein curd. Barley breaks up this curd into a flaky mass. \* \* \* All food beverages are mixed or taken with milk but, so far as we know, only Adgene contains barley. \* \* \* Another important element of Adgene is calcium. Authorities agree that a deficiency of calcium is more frequent in the daily diet than any other single element. \* \* \* is ideal for infants \* \* \* a complete nourishing food. \* \* \* supplies the very elements not consumed in sufficient quantity with the regular food. \* \* \* Because of the complete nourishment it affords \* \* \* constitutes an exceptionally beneficial food for people of advanced years. \* \* \* balanced to constitute an actually complete nourishing food. \* \* \* a creamy drink."

The libel further alleged that the article was misbranded under the provisions of the law applicable to drugs, in that the labeling contained false and fraudulent claims relative to its efficacy in fattening to normalcy, causing complete assimilation of food; as an aid to undernourished, run-down, fatigued, appetite-lacking, and nerve-tensed constitutions; in building vitality, resistibility, producing sound sleep, avoiding undue accumulation of fat; for the body, nerves, and brain of children and adults; in building up new tissues and repairing worn out body cells; achieving beneficial results within a very short space of time; bone building and growth-promoting functions in children; proper growth of the teeth; strengthening bones and teeth in pregnancy; promoting and improving the mother's milk, building and strengthening invalid and, rundown conditions; in mental and physical fatigue, exhaustion, weak and nervous stomachs; in relieving headache, restoring the nerve energies; building bodily strength, vitality and energy of nerve substance and brain matter,



increasing fatigue resistance, restoring recuperative powers, refreshing, stimulating, and protecting.

On July 13, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23255. Misbranding of Trunk's Prescription (Liquid). U. S. v. 15 Bottles of Trunk's Prescription (Liquid.) Default decree of condemnation and destruction.** (F. & D. no. 32841. Sample no. 71251-A.)

This case involved a drug preparation, the labeling of which contained unwarranted curative and therapeutic claims. The product was represented to be harmless, whereas it contained ingredients that might be harmful if used continually in accordance with directions on the label.

On June 18, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 bottles of Trunk's Prescription (Liquid) at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about October 17, 1933, by Trunk Bros. Drug Co., from Denver, Colo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of potassium iodide (2.7 grams per 100 milliliters), extracts of plant drugs including colchicum and a laxative drug, alcohol, and water.

The article was alleged to be misbranded in that the following statements on the labeling were false and misleading: (Carton) "It cannot harm you if you will follow directions"; (circular) "This prescription does not ruin the stomach \* \* \* it cannot harm the stomach." Misbranding was alleged for the further reason that the following statements on the labeling were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: (Carton) "We recommend this prescription as a general \* \* \* tonic and in the treatment of such forms of rheumatism and skin diseases as arise from a deranged condition of the blood. \* \* \* Trunk's Adecta Liniment is recommended for local application, especially in conjunction with Trunk's Liquid Prescription in the treatment of rheumatism"; (circular) "Eat all the meat and all the good food you desire, avoiding only acids, such as lemons and vinegar. [User would be led to believe by this statement that he could eat all foods except acids such as lemons and vinegar without fear of any harmful results when taking this medicine.]"; (bottle) "We recommend this prescription as a general \* \* \* skin tonic and in the treatment of such forms of rheumatism and skin diseases as arise from a deranged condition of the blood. \* \* \* Trunk's Liquid Prescription is recommended by us, especially in conjunction with Trunk's Adecta Liniment, in the treatment of the various forms of rheumatism."

On September 4, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23256. Adulteration and misbranding of whisky. U. S. v. 435 Cases, et al., of Whisky. Decrees of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. nos. 32854, 33047, 33238, 33251. Sample nos. 56573-A, 56574-A, 70168-A, 557-B, 4681-B.)

These cases involved a product sold as whisky for medicinal purposes. Examination showed that it fell below the requirements of the United States Pharmacopoeia; that it failed to bear a statement on the label of the percentage of alcohol by volume; and that the bottles contained less than the declared volume.

On June 12, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 500 cases and 31 bottles of whisky at Minneapolis, Minn. On July 5, August 10, and August 13, 1934, libels were filed against 101 cases, 141 cases, and 60 cases of whisky, at New York, N. Y., Los Angeles, Calif., and Washington, D. C., respectively. It was alleged in the libels that the article had been shipped in interstate commerce, in part on or about January 12, 1934, by the Brown-Forman Distillery Co., from Louisville, Ky., into the State of New York, and in part on or about January 29, February 3, and February 26, by the Mission Dry Corporation, from New York, N. Y., into the States of Minnesota and California, and the District of Columbia,

and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Old Mission A Blend of Whiskies Blended by Brown-Forman Distillery Co., Louisville, Ky., for Mission Dry Corporation, New York."

It was alleged in the labels that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statements on the labels, "For Medicinal Purposes Only", "Contents 1 Pint or 16 Ounces", "Contents 1 Quart or 32 Ounces", were false and misleading. Misbranding was alleged for the further reason that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article.

On June 19, July 25, and September 25, 1934, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the respective claimants upon payment of costs and the execution of bonds conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23257. Misbranding of extract of witch-hazel, Chesto, Lightning-Lax Pills, and aspirin tablets. U. S. v. Muir Laboratories. Plea of nolo contendere. Fine, \$200. (F. & D. no. 32880. Sample nos. 50373-A, 50383-A, 50387-A.)**

This case was based on interstate shipments of drugs and drug preparations, the labeling of which contained unwarranted curative and therapeutic claims.

On September 20, 1934, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Muir Laboratories, a corporation, Grand Rapids, Mich., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about October 24 and October 31, 1933, from the State of Michigan into the State of Ohio, of quantities of extract of witch-hazel, Chesto, Lightning-Lax Pills, and aspirin tablets which were misbranded. The articles were labeled, variously: "Proven Pure Double Distilled Ext. Witch-Hazel, Bottled by Muir Laboratories, Grand Rapids, Mich."; "Chesto For Coughs, Colds \* \* \* Sole Distributors Chesto Ointment Co. Grand Rapids, Mich."; "Lightning-Lax Pills For Constipation \* \* \* Emtona Pharmacal Co., Grand Rapids, Mich."; "Proven Pure 100 Tablets Aspirin \* \* \* Peerless Laboratories, Grand Rapids, Mich."

Analyses showed that the witch-hazel complied with the requirements of the National Formulary; that the aspirin tablets contained 5 grains of aspirin each; that the Chesto consisted chiefly of petrolatum and small proportions of volatile oils including eucalyptol, menthol, oil of pine, and camphor; and that the free sample of Lightning-Lax Pills accompanying the Chesto consisted essentially of plant drugs containing a laxative drug.

The information charged that the articles were misbranded in that certain statements, designs, and devices in the labeling, regarding the curative and therapeutic effects of the articles, falsely and fraudulently represented that they were effective (witch-hazel, bottle) as a treatment, remedy, and cure for toothache, sore gums, lameness, rheumatism, and similar ailments, erysipelas, blood diseases, earache, and painful menstruation; (Chesto, jar, carton, and circular) as a treatment, remedy, and cure for coughs, croup, sore throat, whooping cough, and all inflammation of the air passages; as a relief for difficult breathing and severe coughing spells; effective as a treatment, remedy, and cure for asthma, catarrh, and hay fever; effective to stimulate circulation; effective to aid in relieving croup, sore throat, inflammation and congestion, asthma, bronchitis, boils, piles, catarrh, and whooping cough; effective to bring soothing antiseptic and healing particles in contact with irritated surfaces; to help the body to throw off pernicious and foreign elements, and to have a far-reaching effect on the health and well-being of mankind; effective as a preventive of dangerous chest and bronchial colds and pneumonia; and effective as a treatment for inflammation of the nose and throat, bronchitis, pneumonia, tonsillitis, boils and piles; (Lightning-Lax, envelop and circular) as a treatment, remedy, and cure for biliousness and inactive liver; pimples and results of the plague of constipation; effective to banish tired and sluggish feeling, and to relieve pains and bloated feeling after eating; and effective to insure youthful vitality and enjoyment of life; to clean the system and purify the blood; (aspirin



tablets, bottle and carton) as a treatment for grippe, lumbago, rheumatism, and pains in general.

On October 19, 1934, a plea of *nolo contendere* was entered on behalf of the defendant company, and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23258. Misbranding of Supersan Animal Soft Soap. U. S. v. Chemical Compounding Corporation and Eugene Kohn. Pleas of guilty. Fines, \$75. (F. & D. no. 52897. Sample no. 43750-A.)**

This case involved a shipment of animal soap, the labeling of which contained unwarranted curative and therapeutic claims.

On September 29, 1934, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chemical Compounding Corporation and Eugene Kohn, Brooklyn, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act as amended, on or about November 8, 1933, from the State of New York into the State of New Jersey, of a quantity of Supersan Animal Soft Soap which was misbranded.

Analysis showed that the article consisted of water (23.6 percent); potassium oxide (7.1 percent) fatty anhydride (39.2 percent) glycerin (6.9 percent), and pine oil, (23.2 percent).

The information charged that the article was misbranded in that the statement, "Aids in the Treatment of \* \* \* many other skin diseases", was a statement regarding the curative and therapeutic effects of the article, and was false and fraudulent. The information also charged a violation of the Insecticide Act of 1910, reported in notice of judgment no. 1357 published under that act.

On October 5, 1934, the defendants entered pleas of guilty and the court imposed fines of \$75 for violation of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23259. Adulteration and misbranding of sweet spirit of niter. U. S. v. Witsell Bros. Manufacturing Co., Inc. Plea of guilty. Fine, \$100. (F. & D. no. 32900. Sample no. 34305-A.)**

This case was based on a shipment of sweet spirit of niter which was represented to be of pharmacopoeial standard, but which contained less alcohol than required by the United States Pharmacopoeia, and less than declared on the label.

On October 20, 1934, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Witsell Bros. Manufacturing Co., Inc., a corporation, Memphis, Tenn., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 7, 1933, from the State of Tennessee into the State of Missouri, of a quantity of sweet spirit of niter which was adulterated and misbranded. The article was labeled in part: (Bottle and carton) "We-Li-Ka Brand Pure Sweet Spirit Nitre, U. S. P. Alcohol 90%"; (carton) "Packed by Witsell Bros. Mfg. Co., Memphis, Tenn."

The information charged that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia official at the time of investigation, in that it contained 73.0 percent of alcohol by volume, whereas the pharmacopoeia provides that sweet spirit of niter shall contain not less than 85 percent of alcohol by volume; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, in that it was represented as conforming to the United States Pharmacopoeia, and as containing 90 percent of alcohol, whereas it did not conform to the standard laid down in the pharmacopoeia, and contained less than 90 percent of alcohol.

Misbranding was alleged for the reason that the statement "Pure Sweet Spirit Nitre U. S. P. Alcohol 90%, borne on the carton and bottle label, was false and misleading. Misbranding was alleged for the further reason that the article contained alcohol, and the label on the package failed to bear a statement of the quantity or proportion of alcohol contained therein.

On October 31, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*



**23260. Adulteration and misbranding of Vegetrate. U. S. v. 31 Retail Packages and 95 Trial Packages of Vegetrate. Default decree of condemnation and destruction. (F. & D. no. 32968. Sample no. 73392-A.)**

This case involved a preparation labeled with false and misleading claims that it was made from, and contained all the essential healthful properties of, fruits and vegetables in a highly concentrated form. The labeling also contained extravagant and unwarranted curative and therapeutic claims. Examination showed that the article contained senna which would produce its principal physiological effect.

On June 20, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 retail packages and 95 trial packages of Vegetrate at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about May 17, 1934, by the Health Foundation of California, from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The shipping packages contained a booklet headed, "The Curse Of The Age 'Wrong Diet' Vegetrate Brings you Life Anew The Contents of This Book Are Approved by the Health Foundation of California Los Angeles, Calif."

Analysis showed that the article consisted essentially of calcium carbonate and powdered plant material including rice, kelp, alfalfa, and senna, prepared in tablet form.

The libel charged that the article was adulterated under the provisions of the act relating to food, in that it contained an added deleterious substance, senna, which might have rendered it injurious to health.

Misbranding was alleged under the general paragraph of section 8 of the act relating to foods and drugs in that the following statements, (carton) "Vegetrate \* \* \* The Vegetable Concentrate Corrective. \* \* \* Made from Concentrated Vegetables \* \* \* Made principally from fresh raw fruits and vegetables, concentrated so that each pound of Vegetrate has the therapeutic activity comparable to one hundred pounds of fresh fruits and vegetables". (booklet) "Each time you consume an ounce of Vegetrate it is the same as if you consumed two hundred times that quantity in raw fruits and vegetables", and all other statements in the booklet to the effect that the article was made from fruits and vegetables, were false and misleading. Misbranding was alleged under the provisions of the act relating to drugs in that the following statements regarding the curative or therapeutic effects of the article and all statements in the said booklet, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "Made principally from fresh raw fruits and vegetables, concentrated so that each pound of Vegetrate has the therapeutic activity comparable to one hundred pounds of fresh fruits and vegetables. \* \* \* The Vegetable Concentrate Corrective Hyperacidity, Bloating, Gas Highly recommended as an aid to overcoming these most objectionable ailments. \* \* \* acting toward the correction of constipation by cleansing the upper and lower bowels \* \* \* and toxic matter by reason of vastly increasing the quantity of mineral salts and Vitamin potencies taken into the system. Alkalizer and Builder Vegetrate's organic mineral salts neutralize the acids found in most deficiency diseases. These natural salts help \* \* \* to restore normal equilibrium to diseased functions, especially when combined with our alkalinizing diet for this purpose. \* \* \* Health Foundation \* \* \* Be sure and get free booklet 'Curse of The Age' From Your Dealer. Average requirement—3 tablets after each meal and 3 tablets before retiring. Vegetrate contains \* \* \* vital substances without which health cannot be maintained."

On September 22, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23261. Misbranding of Fullerine. U. S. v. 237 Bottles of Fullerine. Default decree of condemnation and destruction. (F. & D. no. 32984. Sample no. 60773-A.)**

This case involved a drug preparation the labeling of which contained unwarranted curative, therapeutic, and antiseptic claims.

On June 22, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 237 bottles of Fullerine at Tacoma Wash., alleging that the article had been shipped in interstate commerce, on or about March 19, 1934, by the Fuller-Hill Corporation,

from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of alcohol (27 percent), boric acid (1.6 percent), and small proportions of benzoic acid and volatile oils including thymol and menthol.

The libel charged that the article was misbranded in that the statement on the label, "(Triple Strength) Antiseptic Solution \* \* \* dilute with two or more parts water \* \* \* containing \* \* \* ingredients of antiseptic value", was false and misleading, since bacteriological examination showed that the article diluted with an equal volume of water was not an antiseptic. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: "Use Fullerine for Dandruff \* \* \* Sore Throat \* \* \* Achy Feet."

On September 17, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23262. Misbranding of Lambert's Rheumatic Powders. U. S. v. 21 Packages of Lambert's Rheumatic Powders. Default decree of condemnation and destruction. (F. & D. no. 32985. Sample no. 71266-A.)**

This case involved a drug preparation which was represented to contain no injurious drug. Examination showed that it contained drugs that might be harmful, that the declaration of the acetanilid present in the article was inconspicuously made on the side panel of the container, and that the labeling contained unwarranted curative and therapeutic claims.

On June 22, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 packages of Lambert's Rheumatic Powders at Portland, Oreg., alleging that the article had been shipped in interstate commerce, on or about March 9, 1934, by the Lambert Chemical Corporation, from Minneapolis, Minn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of acetanilid (2.3 grains per tablet), acetylsalicylic acid, and salol.

The libel charged that the article was misbranded in that the statements on the label, "Positively do not contain morphine, opium, cocaine, chloral, caffeine or any other habit forming narcotic or injurious drug, \* \* \* Safe \* \* \* Remedy", were false and misleading, since it contained acetanilid and acetylsalicylic acid which might be injurious to the user and therefore cannot be regarded as safe. Misbranding was alleged for the further reason that the package failed to bear on the label a statement of the quantity or proportion of acetanilid contained in the article, since the declaration was inconspicuously made on the side panel of the container. Misbranding was alleged for the further reason that the following statements borne on the carton, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Rheumatic \* \* \* for the quick and positive relief of rheumatism \* \* \* pleurisy \* \* \* fever, grippe \* \* \* in severe cases."

On September 4, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23263. Misbranding of Wonderful Dream Salve and W. D. S. Pills. U. S. v. 201 Packages of Wonderful Dream Salve, et. al. Default decree of condemnation and destruction. (F. & D. no. 32989. Sample no. 65672-A.)**

This case involved an interstate shipment of drug preparations, the labels of which contained unwarranted curative and therapeutic claims.

On June 26, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 201 packages of Wonderful Dream Salve, each package containing a sample envelop of W. D. S. Pills, at Chicago, Ill., alleging that the articles had been shipped in interstate commerce, on or about May 31, 1934, by the Wonderful Dream Salve Co., from Detroit,



Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the salve consisted essentially of creosote incorporated in an ointment base; and that the pills consisted essentially of material derived from plant sources, including aloe.

The articles were alleged to be misbranded in that the following statements regarding their curative and therapeutic effects were false and fraudulent: (Wonderful Dream Salve, tin container) "An Effective Remedy If Used As Directed for Man or Beast. The Great Healer For \* \* \* Chronic Sores \* \* \* Felons \* \* \* Scald Head Barber's Itch, Etc. Directions:—Always spread the salve on oiled silk or wax paper and apply. Cleanse the sore and renew every 12 hours"; (carton) "For Eczema, Old Sores, Salt Rheum \* \* \* Boils \* \* \* or any sore on man or beast. \* \* \* For Piles \* \* \* The Great Healer"; (circular) "General Directions \* \* \* in severe cases \* \* \* afflicted parts apply the Salve side next to the sore \* \* \* the afflicted part \* \* \* In severe cases \* \* \* the afflicted surface \* \* \* In serious cases you will notice a large discharge of pus. Do not be alarmed, the Salve is only drawing out the impurities and will build new flesh and not leave a scar. Abscesses, Boils, Carbuncles And Felons will not need lancing nor leave an ugly scar. Apply as per Directions. In cases of Eczema, Salt Rheum and all Skin Troubles, the Salve should be spread on the paper thinly and evenly as it is necessary not to draw but lightly, as the affliction is on the surface. Re-dress once in 24 hours. Old Sores \* \* \* Notice:—If the sore discharges freely do not be alarmed. The Salve is only drawing out the poison and will continue to do so until it builds new flesh from the bottom. If proud flesh appears, sprinkle a little burnt alum on it and continue with the Salve. Sore Eyes. Such as Stys, Granulated Eyelids, Inflammation. \* \* \* Bunions \* \* \* for Soft Corns and Bunions. Scrape off all the callous substance and apply the Salve as per Directions. Repeat the treatment every 12 hours and the trouble will soon disappear. Piles For Bleeding \* \* \* Protruding Piles follow our special method. Its prompt work is surprising. \* \* \* Inflammatory Rheumatism, Sore Throat, Cold On The Lungs, Pain In The Back Or Muscles. \* \* \* or any swelling where the skin is not broken. \* \* \* Ingrowing Toe Nails. Scrape the top of the nail with a sharp knife until near the quick. Bathe in hot water and apply the Salve as per Directions. Pain will soon be relieved and nail drawn out from ingrowing edges. Sore Inside Nose \* \* \* Sore Ear And Earache. Saturate a piece of cotton with the Salve and put in ear. Repeat in 12 hours. If the ear discharges, the Salve will draw out the matter. \* \* \* In all cases where there is inflammation, before the Salve is applied, \* \* \* Special Pile Treatment. For \* \* \* Bleeding and Protruding Piles. If this simple method of treatment is followed, you can soon get rid of this annoying affliction. \* \* \* to reach all the trouble. If Piles protrude \* \* \* A similar application at night before retiring will hasten the cure. \* \* \* as the Piles heal \* \* \* when the smarting ceases entirely, the treatment is complete. Take one W. D. S. Pill, with a few swallows of water, each night before retiring, to keep the bowels regular \* \* \* Remember, Piles can be cured, but also return if you get constipated, and anyone subject to them should be careful to keep the bowels regular \* \* \* W. D. S. Pills \* \* \* Ordinary cases of Piles require but a few applications. Severe cases require more time \* \* \* Caution—Don't stop the treatment because you get relief, but continue regularly until confident you are healed. \* \* \* W. D. S. Pills. Assist in Purifying Blood and Renovating System A Liver Tonic Aid, and useful for Rheumatism \* \* \* For diseases arising from an impoverished condition of the blood. The Torpid Liver is stimulated to a healthy action; the Nervous System is invigorated. Imparts tone to the digestive organs causing an increased flow of digestive ferments, thereby insuring a proper assimilation of food. \* \* \* The W. D. S. Pills if used regularly will purify the blood in most cases. In cases of Chronic Sores, Skin Diseases and Piles, Wonderful Dream Salve should be applied in connection with the use of the Pills"; (W. D. S., Pills, sample envelop), "A Blood Purifier and System Renovator. Excellent for Rheumatism."

On September 26, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*



**23264. Adulteration and misbranding of 666 Salve. U. S. v. 122 Packages of 666 Salve. Default decree of condemnation and destruction. (F. & D. no. 33011. Sample no. 65666-A.)**

This case involved a drug preparation, the labeling of which contained unwarranted curative, therapeutic, and antiseptic claims.

On July 5, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 122 packages of 666 Salve at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about May 9, 1934, by the Monticello Drug Co., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Monticello Drug Company, New York City, New Orleans, La., Jacksonville, Fla. Mexico, D. F."

Analysis showed that the article consisted essentially of volatile oils including camphor, menthol, eucalyptol and a coniferous oil such as cedar-leaf oil incorporated in petrolatum. Bacteriological tests showed that it was not an antiseptic.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, "Antiseptic."

Misbranding was alleged for the reason that the following statements in the labeling were false and misleading: (Label) "Its Antiseptic \* \* \* properties"; (circular) "666 Salve is a powerful antiseptic. It destroys Streptococci (pus-forming) organisms, \* \* \* It also destroys Staphylococcus Aureus, which is one of the most resistant of all germs, \* \* \*. On account of its germ-destroying properties—to destroy the germs externally." Misbranding was alleged for the further reason that the following statements in the circular, regarding the curative or therapeutic effects of the article, were false and fraudulent: "For treating Acute Inflammatory Infection of the Nasal Mucous Membrane, commonly known as \* \* \* Acute Nasal Catarrh; characterized by slight fever, chilly sensations, sneezing, perhaps headaches, hoarseness, and slight sore throat due to sudden temperature changes, exposure to over-heating, droughts, cold, damp feet, etc. \* \* \* It destroys Streptococci (pus-forming) organisms, largely responsible for Sore Throat and frequently a dangerous invader of open wounds. \* \* \* if placed in the nostrils in the morning or before going into public places, it will aid in preventing certain contagious diseases. \* \* \* it is a wonderful dressing for \* \* \* lacerations, etc."

On October 8, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23265. Adulteration and misbranding of aromatic spirits of ammonia, spirits of camphor, sweet spirit of niter, hydrogen peroxide, and aqua ammonia; and misbranding of aromatic cascara. U. S. v. 84 Bottles of Aromatic Cascara, et al. Default decrees of condemnation and destruction. (F. & D. nos. 33018 to 33023, incl. Sample nos. 63087-A, 63088-A, 63091-A, 63094-A, 63188-A, 63191-A.)**

These cases involved various drugs labeled as, or purporting to be, of pharmacopoeial standard, but which were found to be below the standard laid down in the United States Pharmacopoeia. The labels of certain of the products were further objectionable in the following respects: The aromatic cascara failed to bear a declaration of the alcohol content; the sweet spirit of niter contained less ethyl nitrite than declared; the hydrogen peroxide would yield less oxygen than indicated and would not have the antiseptic, disinfecting, and germicidal properties claimed; and the aqua ammonia contained less ammonia than declared.

On or about July 20, 1934, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of certain drugs at Phoenix, Ariz. The libels alleged that the articles had been shipped in interstate commerce between the dates of January 23 and May 23, 1934, by the Superior Laboratories, from Los Angeles, Calif., and that they were misbranded and, with the exception of the aromatic cascara, adulterated in violation of the Food and Drugs Act. The drugs covered by the libels were as follows: 126 bottles labeled, "Aromatic Cascara"; 204 bottles labeled, "Aromatic Spirits of Ammonia, U. S. P."; 174 bottles labeled, "Spirits Camphor U. S. P."; 96 bottles labeled, "Sweet Spirit of Nitre U. S. P."; 233 bottles labeled, "Hydrogen Peroxide H<sub>2</sub>O<sub>2</sub> 10 Vol. \* \* \* Active Ingredients Hydrogen

Peroxide 3%"; 100 bottles labeled, "Aqua Ammonia 10%." The articles were further labeled, "Pacific Pharmacal Laboratories, Los Angeles, California."

The libels charged adulteration of the sweet spirit of niter, aromatic spirits of ammonia, spirits of camphor, and aqua ammonia, in that they were sold under names recognized in the United States Pharmacopoeia and differed from the standard of strength as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and their own standard was not declared on the container. Adulteration of the aqua ammonia was alleged for the further reason that its strength fell below the professed standard under which it was sold, namely, "Aqua Ammonia 10%."

Adulteration of the hydrogen peroxide was alleged for the reason that it was sold under a name synonymous with a name recognized in the United States Pharmacopoeia and differed from the standard of strength as determined by the tests laid down in the said pharmacopoeia official at the time of investigation; and for the further reason that its strength fell below the professed standard under which it was sold, namely, " $H_2O_2$  10 Vol." (indicating that it would yield ten times its volume of oxygen) and "Active Ingredients Hydrogen Peroxide 3%."

The libel charged that the aromatic cascara was misbranded in that the designation, "Aromatic Cascara" on the label, was false and misleading, since it created the impression that the article was aromatic fluidextract of cascara sagrada, a preparation described in the United States Pharmacopoeia, whereas it differed from that article in that it contained 8.2 percent of alcohol whereas the pharmacopoeial product contains 17 percent to 19 percent of alcohol; and for the further reason that the package failed to bear on the label a statement of the quantity or proportion of alcohol contained therein. Misbranding of the hydrogen peroxide was alleged for the reason that the statements on the label, " $H_2O_2$  10 Vol \* \* \* Active Ingredients Hydrogen Peroxide 3%", were false and misleading, and for the further reason that the statement, "A safe and Powerful Antiseptic, Disinfectant and Germicide", was false and misleading since a product of the composition revealed by analysis would not be a safe and powerful antiseptic, disinfectant, and germicide. Misbranding was alleged with respect to the remaining products for the reason that the statements, "Sweet Spirit of Nitre U. S. P. \* \* \* Ethyl Nitrite 17.5 Grains to Average Ounce", "Aromatic Spirits of Ammonia U. S. P.", "Spirits Camphor U. S. P.", and "Aqua Ammonia 10%", were false and misleading.

On September 8 and September 12, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23266. Adulteration and misbranding of Booth's Hyomei. U. S. v. 20 Bottles of Booth's Hyomei. Default decree of condemnation and destruction. (F. & D. no. 33025. Sample no. 65649-A.)**

This case involved a drug preparation, the labeling of which contained unwarranted curative, therapeutic, and antiseptic claims.

On July 5, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 bottles of Booth's Hyomei at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about January 12 and February 11, 1934, by Booth's Hyomei Co., from Ithaca, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of volatile oils (32 percent) including eucalyptol and menthol, creosote, alcohol, and water. Bacteriological examination showed that neither the liquid nor its vapor was antiseptic.

The libel charged that the article was adulterated in that its strength fell below the professed standard under which it was sold, (carton) "An Antiseptic Breathing Treatment", since the article was not an antiseptic.

Misbranding was alleged for the reason that the bottle label, carton, and circulars shipped with the article contained false and fraudulent representations regarding its effectiveness in the treatment of catarrh of the head or throat, hay fever, catarrhal coughs, bronchitis, croup, spasmodic croup, bronchial catarrh, catarrhal laryngitis, stuffed-up head, hoarseness, husky voice, raw and inflamed membrane of the nose and throat, protracted or frequent colds,



snuffles, difficult breathing or tightness of the chest, catarrhal coughs and colds of children, and weak and hoarse voice.

On September 26, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23267. Misbranding of Harris Poultry Antiseptic. U. S. v. 93 Packages of Harris Poultry Antiseptic. Default decree of condemnation and destruction. (F. & D. no. 33032. Sample no. 52425-A.)**

This case involved an interstate shipment of a drug preparation, the labeling of which contained unwarranted curative and therapeutic claims.

On July 9, 1934, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 93 packages of Harris Poultry Antiseptic at Omaha, Nebr., alleging that the article had been shipped in interstate commerce, on or about January 24, 1934, by Shores Co., from Cedar Rapids, Iowa, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Harris Poultry Antiseptic \* \* \* Union Wholesale Co. Omaha, Nebr."

Analysis showed that the article consisted essentially of mercuric chloride (6.1 percent), copper sulphate (5.6 percent), aluminum sulphate (7.6 percent), and sodium carbonate.

The libel charged that the article was misbranded in that the following statements appearing on the package, regarding its curative or therapeutic effects, were false and fraudulent: "Poultry antiseptic \* \* \* for use as an aid in the Treatment of coccidiosis, diarrhoea due to digestive fermentation and ordinary intestinal derangements of poultry."

On September 24, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23268. Misbranding of Kremola Skin Bleach. U. S. v. 22 Packages of Kremola Skin Bleach. Default decree of condemnation and destruction. (F. & D. no. 33050. Sample no. 64674-A.)**

This case involved a drug preparation, the labeling of which contained unwarranted curative and therapeutic claims.

On July 6, 1934, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 packages of Kremola Skin Bleach at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce, on or about May 8, 1934, by the Kremola Co., Inc., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Kremola Skin Bleach \* \* \* Dr. C. H. Berry Co., \* \* \* Chicago, Ill."

Analysis showed that the article consisted essentially of ammoniated mercury (6.35 percent) and zinc stearate (13.5 percent) incorporated in petrolatum, perfumed.

The libel charged that the article was misbranded in that the following statements in the labeling were statements regarding the curative and therapeutic effects of the article and were false and fraudulent: (Carton) "Also a marvel for Acne and Eczema"; (small folder) "Kremola also removes pimples and Eczema, leaving the face clear \* \* \* [testimonial] 'It has cured me of eczema \* \* \* and cleared my skin, leaving it free from blemish'"; (circular, testimonials) "Sixteen Years of Skin Trouble \* \* \* 'I had sores on my face and arms \* \* \* for 16 long years. \* \* \* was told they were caused by diabetes. \* \* \* Mrs. R. W. Evetts, persuaded me to try Kremola and Creme Elite. After using them for only two weeks, they disappeared.' \* \* \* 'Wonderful for Eczema \* \* \* 'After having used four boxes of your Kremola, my face is smooth and doesn't smart, and itch like it has done for fifty years with the Eczema I have had since I was twelve years old.' Worked miracles for Pimples \* \* \* 'I had pimples \* \* \* liver spots \* \* \* In a short time Kremola had worked a miracle formation' \* \* \* 'The arrival of my first baby left me with brown blotches on my face. Dr. J. E. Pember told me about the cream and to my surprise they went away.' \* \* \* 'Kremola has cleared my complexion of every blemish.' \* \* \* Skin Cleared of Acne by Kremola \* \* \* 'My trouble was acne—a condition that had persisted for years. My face was a mess of pus-



tules and purplish discolorations. \* \* \* I tried long and strict diets. I even went to one specialist who took some of my pus and made some sort of culture and injected it via the hypodermic needle. I believe he called it acne vaccine.' \* \* \* 'The first box I used began a marvelous improvement, the pimples became smaller and fewer, the discolorations faded and disappeared and now I can look back on those awful years \* \* \* for I truly suffered as I believe every one with acne does.'"

On August 29, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23269. Misbranding of Diana Sosborszesz. U. S. v. 19 Bottles and 34 Bottles of Diana Sosborszesz. Default decree of condemnation and destruction. (F. & D. no. 33102. Sample nos. 65647-A, 65648-A.)**

This case involved shipments of a drug preparation, the labels of which contained unwarranted curative and therapeutic claims. The product in one shipment contained less alcohol than declared on the label.

On July 24, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 large bottles and 34 small bottles of Diana Sosborszesz at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about December 9, 1933, and March 13, 1934, by the Diana Manufacturing Co., from Masontown, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Diana Sosborszesz Alcohol 48% (Franzbrandwein) \* \* \* Prepared for Diana Mfg. Co. Uniontown, Pa."

Analyses showed that the product in the large bottles consisted essentially of alcohol (39.7 percent), acetone, ethyl acetate, volatile oils including peppermint oil (7.8 percent), boric acid, zinc phenolsulphonate, and water; and that the product in the small bottles consisted essentially of alcohol (48.8 percent), acetone, ethyl acetate, volatile oils including peppermint oil (1.2 percent), acetic acid, sodium chloride, and water.

The libel charged that the article was misbranded in that the following statements on the labels, were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: (English) "Recommended for \* \* \* Rheumatism, Lumbago, Etc."; (foreign language) "The best rub medicine for \* \* \* gout, rheumatism condition and to all outside troubles." Misbranding was further alleged in that the statement "Alcohol 48%", borne on the label of the large size, was false and misleading since the product in the large bottles contained less than 48 percent of alcohol.

On September 26, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23270. Adulteration and misbranding of sweet spirits of niter. U. S. v. 15 Dozen Packages of Sweet Spirits Niter. Default decree of condemnation and destruction. (F. & D. no. 33113. Sample no. 62287-A.)**

This case involved a shipment of sweet spirits of niter, a sample of which was found to contain 1.91 percent of ethyl nitrite, which was materially less than declared on the label and less than the minimum required by the United States Pharmacopoeia for spirit of niter.

On July 23, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court of a libel praying seizure and condemnation of 15 dozen packages of sweet spirits of niter at Hagerstown, Md., alleging that the article had been shipped in interstate commerce, on or about March 14, 1934, by the C. F. Sauer Co., from Richmond, Va., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sweet Spirits Nitre \* \* \* Ethyl Nitrite 4%."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard of strength was not stated on the label. Adulteration was alleged for the further reason that the strength of the article fell below the professed standard and quality under which it was sold, namely, (bottle label and carton) "Ethyl Nitrite 4%."

Misbranding was alleged for the reason that the statements on the label, "Sweet Spirits Nitre" and "Ethyl Nitrite 4%", were false and misleading.

On September 7, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23271. Misbranding of Dr. Stoll's Diet-Aid. U. S. v. 3 Dozen Packages of Dr. Stoll's Diet-Aid. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33114. Sample no. 4251-B.)**

This case involved a product labeled to convey the impression that it could be used as a substitute for certain meals, and that such use would cause loss of weight. Examination showed that it consisted of ordinary food constituents, and that any loss of weight would be the result of the reduction in the amount of the food consumed, recommended in the labeling. The labels also contained unwarranted curative and therapeutic claims.

On July 25, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3 dozen packages of Dr. Stoll's Diet-Aid at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, by Diet-Aid Sales Co., from Chicago, Ill., in the month of November 1933, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of corn starch, sugar, cacao powder, and caramel.

It was alleged in the libel that the article was misbranded in that the following statements in the labeling were false and misleading, since the effect of the article would not be to reduce surplus flesh: (Display card) "Makes Dieting A Pleasure Sip away Fat with safety"; (carton) "Sold to reduce ugly Fat Sold to make a supple Figure"; (tin can) "Makes Dieting A Pleasure Now it's a pleasure to diet Don't fight the pangs of hunger—don't suffer from starvation in your diet to control weight. Drink delightful Diet-Aid. It makes dieting a pleasure. Takes the drudgery out of weight control. A cup of delicious Diet-Aid beverage makes you feel as if you had dined heartily. That's what your stomach tells you—but the scales tell you differently. Satisfies the appetite, but eliminates the excess calories. Enables you to pursue a sane diet sanely, comfortably, effectively. Directions Add one teaspoonful of Diet-Aid to a cup of boiling water, hot coffee or tea. Stir well and then sip slowly a spoonful at a time. Don't diet by eliminating meals. Instead, substitute Diet-Aid for breakfast or lunch, or both, and then eat your customary dinner. That's the Diet-Aid method—simple, sane, safe."; (circular) "The Healthful Way to Slender Beauty [picture of a woman] The secret of weight control set forth in this booklet is dedicated to all those unfortunates who are overweight. Thanks to the painstaking and scientific research of Dr. J. E. Stoll, it is now possible for the American Public to reduce weight and maintain a healthy and slim figure by use of a simple dietary method. \* \* \* Dieting can now be a pleasure, and to this new pleasure—the vitalizing energy derived from modern scientific weight control—we dedicate the knowledge contained in the following pages. The Cause of Fat Excess fat is the result of over-eating or under-exercising—or both. Many a wall flower and many an unsightly figure has resulted from over-use of the knife and fork and under-use of legs, arms and body in an insufficient amount of exercise to prevent the flabbiness which leads to fat. Modern habits—the use of the motor car and other 20th Century means of transportation—are fundamental causes for the lack of exercise. Most people won't exercise because they find it distasteful, or because it takes too much time. Furthermore, reducing exercises often cause injuries or discomfort because the inexperienced are too violent in their practice of such exercises. A calorie means the amount of energy that a certain amount of food will produce in our bodies. Eleven calories per day per pound of normal body weight will maintain the body in good health when at rest. Under conditions of heavy work science tells us, only eighteen calories per day per pound of weight are required. As a happy medium for health and the maintenance of a normal amount of weight, let us take fifteen calories as a measuring unit. Here is a simple little chart which shows you the actual number of calories really needed daily: \* \* \* she has allowed herself to become 17 pounds overweight. \* \* \* she must arrange a caloric diet that will count only 1,200 to 1,500 . . . if she is to win the slimness she desires. \* \* \* Up to



a certain point, eating is merely a matter of habit. Habit is always difficult to control and dieting formerly has been nothing short of drudgery. Control the eating habit by satisfying the appetite scientifically, and you control weight comfortably, effectively and safely. The Diet-Aid Method The Diet-Aid method does not ask you to fight the pangs of hunger—to suffer from real or imaginary starvation in your diet to control weight. This pure food in delightful beverage form satisfies the appetite but eliminates the excess calories. Takes the drudgery out of weight control—actually makes dieting a pleasure. A cup of this delicious beverage makes you feel as though you had dined heartily. That's what your stomach tells you, but the scales tell you differently. Diet-Aid fills you up, gives you the proper amount of energizing nourishment, but eliminates the fat-building content. Simple To use Diet-Aid makes dieting a pleasure. Just add one teaspoonful of Diet-Aid to a cup of boiling water, hot coffee, or tea—Stir well and then Sip slowly, a teaspoonful at a time. Weight control becomes as simple and pleasureable as that. Don't diet by eliminating meals. Simply Substitute Diet-Aid For Breakfast Or Lunch, Or Both—And Then Eat Your Customary Dinner At Night. \* \* \* Safe, Sure, Sane—Diet-Aid can be your beauty aid. Try the Diet-Aid method for two weeks, and you will be amazed with the results. [picture of woman] \* \* \* [Tables of heat values for food materials. Also height, age and weight tables.] \* \* \* [Testimonials] Diet-Aid Users Say 'At the end of three weeks my weight had fallen 17 pounds and the next three weeks showed a decrease of 11 pounds. At last I was back to normal weight, quickly and safely. I found Diet-Aid to be just what you represented'. \* \* \* 'I have taken off 21 pounds in three weeks, and feel like a new person'. \* \* \* 'Diet-Aid is the "missing link" in the diet chain. Each and every fat person realizes that she or he can obtain slenderness through dieting only, but the fact of "feeling hungry" is distasteful and discouraging. Diet-Aid does away with this feeling as it fulfills the food requirements, satisfies the appetite, and still does not add fat.' \* \* \* 'I have been taking Diet-Aid for four weeks, have lost 17 pounds, and feel like a new person. I heartily recommend it to those who wish to control weight by a safe and sure method.' \* \* \* 'I owe it to Diet-Aid for being peppy and spry. I weighed 220 pounds and after taking Diet-Aid for only four and one-half weeks, I have lost 40 pounds. Thanks to Diet-Aid.' \* \* \* Here's a Typical Experience With Diet-Aid 'I am sending one dollar for which send me a three weeks supply of Diet-Aid. I cannot buy it in my town. I have tried everything and cannot reduce. Is Diet-Aid another fake remedy, does it contain drugs?' \* \* \* Three Weeks Later 'After taking one can of Diet-Aid I have lost thirteen pounds. This is the only thing I have ever taken that reduced me. I am sending one dollar for which please send me another can.' \* \* \* Mrs. H's is but one of hundreds we receive weekly from enthusiastic Diet-Aid users throughout the country. What Diet-Aid has done safely for them it can do for you. Dr. Stoll's Diet-Aid Gives Necessary Food Values Without Fat Building Calories \* \* \* Your doctor will tell you that excess fat is the result of over eating or under exercising, yet many in attempt to reduce have ruined their health by depriving the body of essential food values or by indulging in over strenuous exercise. Even more have made the mistake with experimenting with harmful thyroid extract, laxatives and drugs. Diet-Aid approaches your problem of 'slenderizing' in a different—a scientific and safe, easy way. It satisfies your appetite and provides your body with the necessary energizing food values but eliminates all tissue building fat producing calories and does it in a pleasant practical way. Diet-Aid makes dieting a pleasure, just add one teaspoonful to a cup of boiling water, coffee or tea. Stir well and then sip slowly. Substitute Diet-Aid for breakfast, lunch, or both—then eat your customary dinner at night. Simple, pleasant and safe. \* \* \* Information Any questions that you wish to ask us about your Diet or your Weight control please write us and we will gladly answer your question. Start Treatment Now! Go to your local drug store, department store or beauty parlor today. A three weeks supply of Diet-Aid costs only one dollar and will start you on the way to regaining the graceful slimmness of youth. \* \* \* Reducing Food."

Misbranding was alleged for the further reason that the following statements in the labeling were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: (Circular) "The Healthful Way \* \* \* Thanks to the painstaking and scientific research of Dr. J. E. Stoll, it is now possible for the American public to \* \* \* maintain a healthy



\* \* \* figure by use of a simple dietary method \* \* \* To this new pleasure—the vitalizing energy derived from modern scientific weight control—we dedicate the knowledge contained in the following pages”; (carton) “Sold to bring back Energy.”

On September 21, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23272. Misbranding of Herb Tea No. 10, Arko Eczema Salve, and Arko Healing Salve. U. S. v. 8 Packages of Herb Tea No. 10, et al. Default decrees of destruction. (F. & D. nos. 33127, 33128, 33129. Sample nos. 68144-A to 68147-A, incl.)**

These cases involved various drug preparations, the labeling of which contained unwarranted curative and therapeutic claims.

On July 30, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 8 packages and 369 sample packages of Herb Tea No. 10, 1 jar of Arko Eczema Salve, and 5 jars of Arko Healing Salve at New Castle, Pa., alleging that the articles had been shipped in interstate commerce, on or about May 26, 1934, by Arko Herbs, Inc., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the Herb Tea No. 10 consisted essentially of ground senna pods with small proportions of sassafras bark and fennel seed, and minute proportions of senna leaf and uva ursi; that the Arko Eczema Salve consisted essentially of zinc oxide (11.2 percent), and tar in a petrolatum base; and that the Arko Healing Salve consisted essentially of boric acid (4.0 percent), zinc oxide (4.6 percent), a compound of aluminum, phenol, and water, incorporated in a petrolatum base.

Misbranding of the Herb Tea No. 10 was charged in that the statement in the reference book accompanying the shipment, “We Conform to National \* \* \* Laws Pure Food and Drugs Act of 1906”, was false and misleading. Misbranding of all products was alleged for the reason that the following statements on the labels, and in the reference book and circulars, were statements regarding the curative and therapeutic effects of the articles, and were false and fraudulent: (Herb Tea No. 10) “No. 10 For all disorders of the stomach intestines and digestive tract \* \* \* Disorders of Stomach, Intestines, Digestive Tract. I was approached by Mrs. Josephine Brock, Buffalo, suffering pains in the stomach before meals. This ailment lasted for several years and there seemed to be no remedy to bring relief. I recommended the use of Tea No. 10 and after few days this person felt much better, and after a few months, the pains disappeared entirely. Hundreds of letters and recommendations sent by users of the tea No. 10 are best evidence, how much benefit this tea brings to the suffering people. \* \* \* It is a stomach regulator \* \* \* While under treatment use tea No. 10 in order to purify your blood, and regulate your system \* \* \* [Testimonials] ‘I was advised to undergo an operation, but I refused. I bought a package of Tea No. 10 and now I feel better than ever before.’ \* \* \* ‘Since childhood I complained about my stomach. I think that I used more medicine, than anyone else, and I did not get well. I must say that Tea No. 10 for stomach has helped me very much.’ \* \* \* ‘Tea No. 10 has cured my stomach from gasses and sour taste.’ \* \* \* ‘Best medicine is herb medicine No. 10 for stomach’”; (reference book and circular) “Restore and Preserve Your Precious Health \* \* \* Regulates—Cleanses—Strengthens Stomach \* \* \* we do recommend these herbs to bring relief to the human sufferings. Tea No. 10 is recommended for all disorders and complaints of the stomach, bowels and the tract of the digestive organs. \* \* \* removes indigestion, \* \* \* stomach ache, loss of appetite, nausea, \* \* \* acrid or fetid eructations, a feeling of fullness in the stomach, headaches, dizziness, drowsiness, \* \* \* gloominess, aching of the bones, restlessness, nervousness, faintings, convulsions, irritability of temper, dimness of vision, mental depression, despondency, weak but excited pulse, acidity, \* \* \* vomiting, painful digestion, a sallow, pallid and muddy complexion, coated tongue, brownish spots, chronic catarrhs, fevers, irregular action of the heart, biliousness, hiccups, cold feet, suppressions of the urine, impediments in the action of the bowels, affections of the liver, ulcers, intestinal boils, blood impurities, womb disorders, men’s and women’s diseases, general weakness, piles, etc. Suppresses cramps caused by

improper digestion of food, pressure in the chest, gripping abdominal pains, rheumatic pains, etc. \* \* \* cleanses intestines, stomach, blood, regulates the functions of the liver, spleen, kidneys, gallbladder, etc. \* \* \* Prevents the serious spreading of human afflictions, as cancer, ulcers, inflammation of the appendix, liver, etc. \* \* \* Convince yourself, what this tea does for your system. Regain Your Strength! Rebuild Your Vitality"; (circular) "Health! Health! [Similar statements in a foreign language in the circular]"; (Arko Eczema Salve) The word "Eczema" in the name of the article; (jar) "Recommended in the treatment of eczema, tetters, itch, and other skin diseases. \* \* \* Use it until complete recovery is obtained, [similar statements in a foreign language]"; (reference book) "Cures Eczema, itching scurf, tetter and other skin diseases. While under treatment use Tea No. 10 in order to purify your blood, and regulate your system. \* \* \* Use this Ointment until completely cured"; (Arko Healing Salve) The Word "Healing" in the name of the article; (jar) "Spread the salve thickly on a cloth, place over the sore, and bind. [similar statement in foreign language]"; (reference book) "For running sores of long duration, other type of sores, boils difficult to heal, abscesses, tumours, wounds, etc. \* \* \* apply to the sore spot and bandage."

On September 28, 1934, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23273. Misbranding of compound syrup of hypophosphites. U. S. v. 363 Bottles of Syrup of Hypophosphites Comp. N. F. Default decree of condemnation. Product delivered to Veterans' Administration. (F. & D. no. 33133. Sample nos. 62517-A, 5080-B.)**

Sample bottles of the product involved in this case were found to contain less than 1 pint, the volume declared on the label.

On or about July 27, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 363 bottles of syrup of hypophosphites compound at Perry Point, Md., alleging that the article had been shipped in interstate commerce, on or about May 29, 1933, by James Good, Inc., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act. The article was labeled, "One Pint."

The article was alleged to be misbranded in that the statement on the label, "One Pint", was false and misleading.

On October 1, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to the Veterans' Administration.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23274. Misbranding of Dr. Holbrook's Ka-Kolo. U. S. v. 19 Packages of Dr. Holbrook's Ka-Kolo. Default decree of condemnation and destruction. (F. & D. no. 33146. Sample no. 68365-A.)**

This case involved a drug preparation labeled to convey the impression that it was essentially a kola product. Examination showed that it contained acetanilid which would produce its principal physiological effect, the caffeine present in the product being relatively unimportant, and that acetanilid was present in excess of the amount declared on the label. The labeling bore unwarranted curative and therapeutic claims.

On August 13, 1934, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 packages of Dr. Holbrook's Ka-Kolo at Derry, N. H., alleging that the articles had been shipped in interstate commerce, on or about July 24, 1934, by John Broadhead, from Methuen, Mass., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Dr. Holbrook's Ka-Kolo \* \* \* Holbrook Kola Company, Boston, Mass."

Analysis of a sample showed that the article consisted essentially per powder of acetanilid (4.68 grains), caffeine (1.0 grain), sodium bicarbonate (1.9 grains), and crude drugs including celery seed, cinnamon, and capsicum.

The article was alleged to be misbranded in that the statement, (carton) "Each powder contains \* \* \* 3.6 grs. acetanilide", was false and misleading, since each powder contained materially more acetanilid than 3.6 grains and in that the following statements were false and misleading: (Car-



ton) "This Preparation formerly known as Dr. Holbrook's Kola Powder"; (circular) "This Preparation Manufactured and Sold by us for 15 years under the name of Dr. Holbrook's Kola Powders Kola (*Stercula Acuminata*) One of the most valuable of recent discoveries in the medical world comes from Western Africa, being the fruit of a tall handsome tree, resembling somewhat our horse chestnut. This nut, or seed, about the size of a pigeon's egg, is, when powdered, of a bright red color, having a slightly pungent aromatic taste. Called in Guinea, 'Kola Nut'; In the Soudan 'Goru Nut.' It has for centuries been highly prized by the natives for its great nourishing and medicinal value. When gathered, they are bitter and unpalatable. Placed on mats by the women, and carefully dried in the sun, the taste is by no means unpleasant. During long and exhausting marches, through the forests and over mountains, the natives, by chewing this nut, avail themselves of its restorative, fatigue-lessening properties. It acts as a powerful stimulant, tonic and nourisher as well as Sustainer. The marchers require little other food at such times, and remain in fine physical condition. Kola Nut of high quality is used in the manufacture of Holbrook's Ka-Kolo." Misbranding was alleged for the further reason that the label failed to bear a statement of the quantity or proportion of acetanilid contained in the article, since the statement made was incorrect. Misbranding was alleged for the further reason that the following statements in the labeling were statements regarding the curative and therapeutic effects of the article, and were false and fraudulent: (carton) "For the Relief of Nervous or Sick Headache, \* \* \* Grip, Alcoholic Depression and to Ease Pain"; (circular) "\* \* \* and all Nervous Troubles For the Relief of Nervous or Sick-Headaches, \* \* \* Woman's Ills, Asthma, Indigestion, Malaria, \* \* \* and La Grippe, and to counteract the effect of Alcoholic Stimulants. \* \* \* Caffeine The active principle of Kola Nut, Guarana and Coffee, has a remarkable restorative effect upon the muscles, particularly muscles exhausted by severe physical effort. It lessens fatigue when induced by labor, whether mental or physical, and conversely, prevents fatigue by arresting the tissue waste in the muscles. It is a safe stimulant to the brain, clearing the mind and dissipating gloom. The action of the heart and respiration are strengthened by its use, and the body generally invigorated. Caffeine puts an unroused person into a thoroughly roused condition, by imparting instantly that excitement which he lacks. One may find in it the means for doing a large amount of work in a given time without food yet without fatigue or a sense of overwork. Its remarkable restorative powers render it valuable to individuals who suffer from Neuralgia of a vague character, probably due to muscular fatigue. It will readily be seen why Dr. Holbrook's Ka-Kolo gives such prompt relief in all forms of Headache, for Migraine or Nervous Sick-Headache especially,—the Headaches from which anemic, nervous and hysterical women suffer so much,—as well as other pains peculiar to their condition and sex. \* \* \* For indigestion; Dyspepsia or Sour Stomach:— \* \* \* For late night's dissipation:— \* \* \* For Relieving Pain in Rheumatism, \* \* \* Painful Menstruation, etc.:—One Powder every two hours, until relieved. For \* \* \* Influenza and La Grippe:—One Powder every one or two hours, until relieved. For Sleeplessness:—One Powder on retiring. For delicate females, and persons who are sensitive to, or quickly respond to the action of medicines, the dose should be smaller—One-half Powder, repeated if necessary For Children— $\frac{1}{4}$  to  $\frac{1}{2}$  Powder, according to age."

On September 19, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23275. Misbranding of Sannette Powder. U. S. v. 22 Packages of Sannette Powder. Default decree of condemnation and destruction. (F. & D. no. 33149. Sample no. 61087-A.)**

This case involved a drug preparation which was labeled with unwarranted curative and therapeutic claims.

On July 30, 1934, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 packages of Sannette Powder at Louisville, Ky., alleging that the article had been shipped in interstate commerce, on or about February 19, 1934, by Sannette, Inc., from Cincinnati, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.



Analysis of a sample showed that the article consisted essentially of boric acid (36.2 percent) zinc sulphate, aluminum sulphate, ammonium chloride, and small proportions of methyl salicylate, phenol, and menthol.

The article was alleged to be misbranded in that the statement on the label, "For treating wounds, cuts \* \* \* ulcers; Use a teaspoonful of Sannette to a quart of warm water", was a statement regarding the curative or therapeutic effects of the article, and was false and fraudulent.

On September 5, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23276. Misbranding of Prestolas. U. S. v. 22 Packages of Prestolas. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33153. Sample no. 6334-B.)**

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On August 1, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 packages of Prestolas at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about May 29, 1934, by the Union Capsule Co., from Bloomfield, N. J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of capsules containing volatile oils, including pennyroyal oil, and savin oil (42 percent), and a fixed oil.

It was alleged in the libel that the article was misbranded in that the statements on the carton label, "For Treatment of Amenorrhœa, Dysmenorrhœa, or Painful and Irregular Menstruation", were false and fraudulent.

On August 24, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23277. Misbranding of Epsotabs. U. S. v. 37 Dozen Packages, et al., of Epsotabs The Laxative. Decrees of condemnation. Portion of product released under bond to be relabeled. Remainder destroyed. (F. & D. nos. 33172, 33253. Sample nos. 2713-B, 4677-B.)**

These cases involved shipments of a product labeled "Epsotabs", a designation conveying the impression that it was an Epsom salt preparation. Analysis showed the presence of phenolphthalein in one lot and phenolphthalein and aloin in the other lot, which drugs would be responsible for its principal therapeutic effect, Epsom salt being present in amounts which would have no appreciable laxative effect.

On August 6, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 43 dozen packages of Epsotabs at Washington, D. C. On August 18, 1934, a libel was filed against 236 packages of Epsotabs at Columbus, Ohio. It was alleged in the libels that the article had been shipped in interstate commerce, by the Dill Co., from Norristown, Pa., in part on or about January 11, 1934, into the State of Ohio, and in part on or about July 20, 1934, into the District of Columbia, and that it was misbranded in violation of the Food and Drugs Act.

Analysis of a sample from each shipment showed that the article consisted of coated tablets containing in each approximately  $1\frac{1}{2}$  grains of phenolphthalein, and magnesium sulphate equivalent to 4.9 grains (or 4.6 grains) of Epsom salt; the product in one shipment also contained aloin.

The libels charged that the article was misbranded in that the statement, "Epsotabs, The Laxative", borne on the label, was false and misleading, since it created the impression that the article was essentially a preparation of Epsom salt; whereas its content of Epsom salt was practically negligible, and its physiological effects, in one lot, were due to its content of phenolphthalein, a synthetic laxative drug derived from coal tar, and, in the other lot, to its content of phenolphthalein and aloin.

On October 12, 1934, no claim having been entered for the lot seized at Columbus, Ohio, judgment was entered ordering that it be destroyed. On October 24, 1934, the Dill Co. having appeared as claimant for the lot seized at Washington, D. C., judgment of condemnation was entered and it was ordered that the product be released under bond for relabeling under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23278. Misbranding of Pepoil and Egg a Day. U. S. v. 4 Bottles of Pepoil, et al. Default decree of condemnation and destruction. (F. & D. nos. 33299, 33300. Sample nos. 41413-A, 41414-A, 41415-A.)**

This case involved drug preparations, the labels of which contained unwarranted curative and therapeutic claims.

On September 13, 1934, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 bottles of Pepoil and 17 packages or pails of Egg a Day, at Hesper, Iowa, alleging that the articles had been shipped in interstate commerce, on or about September 28, 1931, and December 6, 1932, by the Standard Chemical Manufacturing Co., from Omaha, Nebr., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the Pepoil consisted essentially of a phenolic compound such as creosote, a volatile oil such as terpineol, a sodium compound, 0.5 percent of alcohol, and water; and that the Egg a Day consisted essentially of calcium carbonate, sodium thiosulphate, sodium chloride, iron compounds including iron sulphate, a phosphate and small proportions of plant materials including *nux vomica*.

The articles were alleged to be misbranded in that the following statements in the labeling, regarding their curative and therapeutic effects, were false and fraudulent: (Pepoil, bottle) "Petoil \* \* \* A Treatment for Building Up Poor Doing, Sick And Stunted Hogs And Poultry Especially When Weakened By Disease And Worms. \* \* \* The use of Standard Pepoil is recommended in the treatment of Flu. Thumps, Pneumonia, Necro, and other intestinal ailments and worms. For many of these diseases we recommend a specific treatment which should be followed with this treatment of Pepoil as indicated below. Hog Flu \* \* \* put them on a 7-day Pepoil treatment \* \* \* Thumps \* \* \* follow for 7 days with this Pepoil Treatment. Pneumonia \* \* \* give this Pepoil treatment for 7 days. Necro \* \* \* put on a 7-day treatment of Pepoil. \* \* \* Worms \* \* \* Use Standard Pepoil as directed below for 10 to 12 days. \* \* \* For Poor Doing Hogs and Runts—Use Standard Pepoil \* \* \* The use of Standard Pepoil is recommended in the treatment of Colds, Roup, Pneumonia and Worms in poultry \* \* \* For some of these diseases we recommend a specific treatment which should be followed with this Pepoil treatment. Roup \* \* \* put them on a treatment of Standard Pepoil \* \* \* Colds—Pneumonia: Treatment same as for Roup. Worms—Put on Standard Pepoil Treatment at once \* \* \* It is well to repeat the Pepoil treatment occasionally as a worm control measure and for its general tonic effects"; (Egg a Day, carton, 2½-lb. size) "Egg a Day \* \* \* Makes More Eggs \* \* \* For best results in egg production \* \* \* Feed \* \* \* for maximum egg production. \* \* \* 2 lbs. Standard Egg a Day."; (carton, 5-lb. size, and pail) "Egg a Day \* \* \* For best results in egg production \* \* \* Food \* \* \* for maximum egg production. \* \* \* 2 lbs. Standard Egg a Day"; (circular, all sizes) "Egg a Day You bought this package of Egg a Day because you want to get more eggs. The egg is the chief end of poultry production and the number of eggs a hen produces marks the difference between loss and profit. We want you to get the best results from the use of Egg a Day. We want your hens to make a profit for you. To get the most eggs you must follow these directions. We guarantee you will get more eggs if you follow these directions \* \* \* 2 lbs. Egg a Day \* \* \* Standard Egg a Day develops strong, healthy chickens and is especially recommended for them. \* \* \* You will have fewer losses, better poultry, and the pullets will lay more eggs. \* \* \* Under the stimulus of Egg a Day the initial cells from which the yolks are formed begin to grow. \* \* \* The other necessary elements are supplied by Egg a Day in just the proper proportions for maximum egg production



\* \* \* Egg a Day stimulates and quickens the digestive processes, making possible a greater degree of assimilation. This means more eggs on less feed.

\* \* \* Use Egg a Day According to Directions and You will Get Results."

On October 31, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23279. Misbranding of Re-Ju-Va and Tan-A-Wa. U. S. v. Devore Manufacturing Co., Primrose R. DeVore, Jay G. Hobson, Fred Link Ferguson, Joseph A. Irwin, Harold T. Maloney, William W. Bowser, and Merritt W. Tam. Pleas of guilty. Fines, \$215. (F. & D. no. 31346. Sample nos. 2552-A, 30051-A.)**

Examination of the drug products involved in this case showed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On May 12, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the DeVore Manufacturing Co., a corporation, Primrose R. DeVore, Jay G. Hobson, Fred Link Ferguson, Joseph A. Irwin, Harold T. Maloney, William W. Bowser, and Merritt W. Tam. The information charged that on or about March 15, 1932, the defendants, the DeVore Manufacturing Co., Primrose R. DeVore, Jay G. Hobson, and Fred Link Ferguson, Columbus, Ohio, shipped under the name of Re-Ju-Va Co., from the State of Ohio into the State of Minnesota a quantity of Re-Ju-Va which was misbranded in violation of the Food and Drugs Act as amended, and that on or about October 18, 1932, the defendants, Harold T. Maloney, William W. Bowser, Merritt W. Tam, and Joseph A. Irwin, Columbus, Ohio, shipped under the name of the Tan-A-Wa Medicine Co., from the State of Ohio into the State of Indiana, a quantity of Tan-A-Wa which was misbranded in violation of said act. The articles were labeled in part: "Re-Ju-Va \* \* \* Re-Ju-Va Company, Minneapolis, Minnesota, Laboratory—Columbus, Ohio. \* \* \* Tan-A-Wa \* \* \* Tan-A-Wa Med. Company, Inc. \* \* \* Columbus, Ohio."

Analyses by this Department showed that the Re-Ju-Va consisted of a red, aqueous solution having a slightly aromatic (peppermint) odor and containing essentially magnesium sulphate, iron chloride, and a small amount of citric acid, glycerin and mineral hypophosphites; and that the Tan-A-Wa consisted essentially of extracts of plant drugs including laxative drugs, berberis and red pepper, a small proportion of salicylate, alcohol, and water.

The Re-Ju-Va was alleged to be misbranded in that certain statements on the cartons and bottle labels, and in a circular shipped with the article, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective to assist nature to establish a normal process of metabolism, and to relieve disorders arising from intestinal putrefaction, including rheumatism, arthritis, neuritis, high blood pressure and stomach, kidney and blood diseases; and effective to remove the cause thereof; effective as a treatment, remedy, and cure for indigestion, acidosis or gas condition, sore throat and insomnia; effective to aid nature in removing the cause of about 90 percent of all disorders due to faulty elimination; effective to assist nature in the relief of sciatica, indigestion, bloating, biliousness, jaundice, catarrh, asthma, acidosis, kidney and blood disorders and nervous and run-down conditions; effective to assist nature in freeing the system of the poisons which arise from the absorption of impurities through the alimentary tract; and effective to remove the cause thereof; effective to bring new health and happiness to thousands; effective to assist nature in attacking the cause of 90 percent of all human ailments; effective as a treatment, remedy, and cure for arthritis, rheumatism, sciatica, lumbago, stomach disorders, acidosis, high blood pressure, asthma, hay fever, catarrh, jaundice, sinus infections, liver disorders, indigestion, dyspepsia, and diabetes; effective to give nature the proper scientific aid to remove the cause of these diseases; effective to rid the system of accumulated poisons, to stimulate glands and organs to normal function, to restore a balanced process of metabolism and to minimize the possibility of recurrence of the poisons; effective to insure permanent relief by removing the cause thereof; effective to cleanse and build up the blood; effective to resist the onslaught of disease; effective to insure health and happiness to thousands of persons helplessly crippled; effective as a health insurance; effective to maintain good health and to keep the body full of pep and vigor; effective as a treatment, remedy, and cure for acid stomach, gas, bloating, ulcers, gastric ulcers and functional derangement of the stomach due either to quantity or



quality of gastric juices, improper eating or a disturbed process of metabolism, or stomach ulcers; effective to balance the body chemistry and correct stomach ailments, and effective as a cure for rheumatism, arthritis, neuritis, and lumbago due to intestinal putrefaction; and effective to remove the cause thereof; effective to restore helpless cripples to normal health and glorious happiness; effective as a Godsend to those afflicted with hopeless diseases; effective to correct chronic constipation; effective as a genuine relief and a renewer of health to multitudes of chronic sufferers pronounced incurable; effective as a source of health; effective to cause the glands and organs of the body to secrete and function normally; effective as a treatment for rheumatism and its kindred disorders; effective to bring relief to the stomach and strength to the heart; effective as a health giving medicine for children; effective to regain and retain health, possess and protect health; effective as a way to health and as a harmless remedy for dying and helpless cripples; effective to restore the natural secretions to fagged, worn and clogged glands, and to restore normal elimination; and effective to remove death-dealing infection and body poisons.

Misbranding of the Tan-A-Wa was alleged in that certain statements on the cartons and bottle labels, and in a circular shipped with the article, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective as a digestive, hepatic, emmenagogue, resolvent, and depurative; effective as a tonic; effective as a hepatic and stimulant tonic, as a good all-around tonic, and as one of the best tonics; effective to have assimilative properties, to strengthen the systems, to promote the discharges from the throat and lungs, to effect a beneficial change in the system, to cleanse from all impurities, to act on the liver and stimulate the system, to promote the menstrual flow in women, to act favorably on the kidneys, to disperse inflammation, to cause the kidneys to function properly, to overcome many ailments caused by constipation and impurities which contaminate the system, to assist the kidneys to perform their work, to impart strength to those parts which have become affected by improper functioning, and to help keep the system clean and in proper tone; and effective as a purifier.

On June 23, 1934, defendants the Devore Manufacturing Co., Primose R. Devore, Jay G. Hobson, and Joseph A. Irwin entered pleas of guilty; and on June 27, 1934, pleas of guilty were entered by Fred Link Ferguson, Harold T. Maloney, William W. Bowser, and Merritt W. Tamm. The court imposed a fine of \$180 against the Devore Manufacturing Co., and a fine of \$5 against each of the individual defendants, the total amount of the fines being \$215.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23280. Misbranding of Rawleigh's Tonic Compound, Rawleigh's Thyme Cough Compound, Rawleigh's Liniment, and Rawleigh's Pain Relief. U. S. v. 510 Bottles of Rawleigh's Tonic Compound, et al. Decrees of condemnation and forfeiture. Products released under bond to be relabeled.** (F. & D. nos. 32654 to 32657, incl. Sample nos. 41326-A to 41329-A, incl. 56526-A, 56527-A, 56528-A.)

This case involved drug preparations, the labeling of which contained unwarranted curative and therapeutic claims.

On May 3, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of certain "Rawleigh's" drug preparations at Minneapolis, Minn. On or about May 7, 1934, the libel was amended, and as amended covered 810 bottles of Rawleigh's Tonic Compound, 477 bottles of Rawleigh's Thyme Cough Compound, 3,330 bottles of Rawleigh's Liniment, and 324 bottles of Rawleigh's Pain Relief. It was alleged in the libel as amended that the articles had been shipped in interstate commerce, between the dates of January 19 and April 21, 1934, by the W. T. Rawleigh Co., from Freeport, Ill., and that they were misbranded in violation of the Food and Drugs Act as amended.

Analyses of the articles showed that the Tonic Compound consisted essentially of small proportions of sodium, potassium, calcium, iron, manganese, quinine and strychnine salts, including hypophosphites and citrates, alcohol, sugar, and water; that the Thyme Cough Compound consisted essentially of extract of thyme, alcohol, sugar, and water; that the Liniment consisted essentially of red pepper extract, camphor, pine oil, an ammonium compound, alcohol, and water; and that the Pain Relief consisted essentially of red pepper extract, camphor, soda, an ammonium compound, alcohol, and water.

The articles were alleged to be misbranded in that the following statements in the labeling were statements regarding their curative or therapeutic effects, and were false and fraudulent: (Rawleigh's Tonic Compound, bottle label) " \* \* \* invigorating \* \* \* "; (circular) "Useful for \* \* \* toning up the digestive processes in conditions of impaired nutrition for which an invigorating tonic is needed. \* \* \* supplying nutrition and especially by aiding in correcting conditions of anemia, nervous exhaustion, general debility, and assisting in the development of rich blood and strong muscle tissue. \* \* \* stimulating the body functions, as an aid in overcoming anemic, run down and \* \* \* conditions of the human body. \* \* \* to assist in restoring normal tone and to invigorate the system in many conditions in anemia, chlorosis, nervous exhaustion \* \* \* malnutrition and lack of normal weight. \* \* \* aids in building up and invigorating, or restoring normal physical processes. \* \* \* In Anemia the blood is deficient in quantity or quality due to a lowering of hemoglobin or red coloring matter of the blood, or a deficiency of red blood cells. Rawleigh's Tonic Compound assists natural recovery in restoring the normal processes of nutrition that enrich the blood. Chlorosis, a form of anemia, mostly affecting girls at the age of puberty, is commonly called Green Sickness due to the greenish pallor of the skin. The number of red cells and hemoglobin in the blood is decreased. It is marked by perverted appetite, digestive impairment, debility, dysmenorrhea, amenorrhea and nervous disturbances. Rawleigh's Tonic Compound with proper foods and hygienic living assists to stimulate various bodily activities that bring about a more normal condition. Nervous Exhaustion is a depression of vital functions usually caused by prolonged and excessive expenditure of energy, insomnia, and loss of appetite. The nerves and body are tired and need rest. \* \* \* a general toning up of the system is advisable. General Debility is a run down, weakened condition, not unlike nervous exhaustion, caused usually by sickness, overwork, improper diet and physical strain. Preceding and following childbirth, women must counteract any tendency toward this condition. Rawleigh's Tonic Compound is helpful to prevent or overcome general debility and to stimulate normal nutrition processes. It invigorates the system. When Children Grow too Fast they may outrun their physical strength and need something to stimulate nutrition and general tone of the body. Rawleigh's Tonic Compound is useful to help restore appetite, stimulate digestion and improve nutrition—important factors to help children develop into strong, robust men and women. In Convalescence the whole body is below par because of the ravages of disease, and needs to be nourished and built up. To stimulate the \* \* \* activities of the system \* \* \* When Weight is Under Normal Rawleigh's Tonic Compound is useful to stimulate appetite and digestive processes, toning up the body activities. Better nutrition results with corresponding increase in weight. Two Common, Unnecessary Ailments Nervous Exhaustion Nervous exhaustion, found among rich or poor, city man or farmers, brain workers or laborers, children or adults, is the result of modern restlessness and intensity of life. It was seldom found among our forefathers, who went to bed at sundown and got up at sunrise and ate natural kinds of food with healthy appetite. Modern conveniences—telephone, electricity, trains, automobiles—keep the sense organs always disturbed and the body in a constant state of nerve tension. What Nervous Exhaustion Is—Nervous exhaustion is a nerve waste or depression due to the exhaustion of nerve energy. It is a group of symptoms rather than an individual disease. The Symptoms and Cause—Symptoms of nervous exhaustion can be roughly grouped into five classes—chronic fatigue, mental depression, insomnia, depressed general nutrition and digestive disorders and headaches or local pains. These symptoms are only too well known by a large number of people. Nervous exhaustion is usually preventable and caused by bad habits of living, such as lack of sleep and rest, insufficient or improper food, unsuitable work or working conditions, faulty posture, which cramps the organs of the body and causes them to function improperly, lack of exercise and too concentrating work, autointoxication and general intemperate living. Honest work never hurts any one, though most of us like to believe we break down from working too strenuously. The wrong way of working and worrying—not overwork—causes the breakdown. Energy is wasted instead of using it in actual work. Autointoxication from constipation is an important cause, hence nervous exhaustion is one of the many results of constipation. To Prevent



and Overcome This Weakness \* \* \* Exhausted nerve cells or those using up their energy, need a tonic to start them on the right track to recovery, in addition to hygienic living and proper diet. Rawleigh's Tonic Compound is excellent because it stimulates the process of nutrition, adding certain important minerals to the blood. In this way nerve cells are kept more vigorous, replenish their lost energy, and function properly because they are well nourished. Malnutrition Malnutrition—A condition in which the body is not receiving proper nourishment—means that the processes of digestion, absorption, utilization and elimination are imperfect. It may be considered as partial starvation of the entire body or some parts of the body. The various tissues and organs do not receive the materials needed for growth, maintenance and repair; and so are undeveloped and below normal size. They do not receive enough food to permit normal activity, and one organ functioning improperly affects other organs; so that malnutrition of one part seriously affects the entire body. Malnutrition may be due to different causes—the type of food eaten and the assimilation of food. \* \* \* Minerals are the most likely to be missing from an average diet, and they are particularly important in building and regulating the body. Malnutrition from Faulty Assimilation of Food—A sufficient quantity and proper kind of food may be eaten, but if the processes of digestion, absorption, utilization and elimination are not functioning normally, the food will not be utilized properly and malnutrition results. To Prevent and Overcome Malnutrition—Malnutrition—found only too often in growing children, in convalescents, in those who are underweight and in mothers before and after childbirth—has various symptoms, depending upon the organ most affected. Undeveloped bones, as in rickets; emaciation as in long, wasting illnesses; thinness, as in children who grow too fast; lack of color and poor teeth, so often found in mothers before childbirth; poor nervous system, general tiredness or sluggishness—these are all common symptoms of malnutrition. \* \* \* Rawleigh's Tonic Compound \* \* \* It stimulates \* \* \* processes of nutrition, particularly aiding digestion. It contains several minerals necessary for good nutrition \* \* \* minerals necessary to build muscles, bone, blood, and nerves, and to regulate the various processes of the blood. \* \* \* the minerals present in Rawleigh's Tonic Compound stimulate utilization of those assimilated from food, besides addition to the total quantity taken into the body, as needed. [Statements of a similar nature in foreign languages]; (Rawleigh's Thyme Cough Compound, bottle label) “\* \* \* and Whooping Cough”; (circular) “Useful In certain forms of Coughs \* \* \* Bronchitis, Bronchial Asthma, Whooping Cough \* \* \* Thyme Cough Compound Its Usefulness and Value in the Treatment of Coughs and Certain Related Affections \* \* \* efficient agent for the treatment of coughs of certain kinds and related affections. \* \* \* It soothes irritated surfaces and passages of the respiratory system. \* \* \* It also reduces frequency of cough and spasmodic attacks with consequent relief of chest pains due to straining of the muscles in coughing. \* \* \* reduces the irritation of the bronchial mucosa and thus controls the irritable unproductive cough. \* \* \* the dry, harrassing cough becomes loose, less frequent and less troublesome. The patient's sleep is no longer disturbed by coughing, with consequent improvement of the general health. Its Very Important that colds receive prompt attention to avoid such serious developments as acute bronchitis, spasmodic croup, or diseases of the respiratory tract. Coughs \* \* \* Their Cause and What Diet and Medicine Should be Used to Relieve the Infection, Congestion, Etc. \* \* \* The term ‘colds’ means an acute infection of the lining membranes of the nose, tonsils, throat and nasal bronchial tubes. It may be even more extensive and develop into a general infection of the entire body. All of the breathing organs excepting the small terminal portion in the lungs may be involved and as a matter of fact the disease or affection may, and often does, spread to these organs thus producing colds of the chest. The common cold is the most prevalent of all present-day diseases, and although statistics do not record the sum total of the ravages committed, it is evident that instead of being classed as a trivial affection, the common cold may be classed as a serious disease. The belief exists that colds are due to several causes and occur when our resistance is lowest, by intestinal disturbances, from exposure, or following chilliness and fatigue. Practically all physicians say that common colds are contagious and spread by coughing and sneezing. Almost everyone recognizes the symptoms: a chilly sensation, slight headache, pains in the back and limbs, accompanied by frequent sneezing. The mucous membrane of the nose is dry and inflamed, the nasal passage clogged



making it difficult to breathe except through the mouth. A most irritating cough usually adds to the distress. The common cold may later extend into the chest where it creates a feeling of rawness and tightness. The cough usually increases in frequency, sometimes coming in spasms, which wrack and disturb the patient. Expectoration, is usually scanty but as soon as it becomes loose and easily ejected, marked relief is experienced. [Statements of a similar nature in foreign languages]"; (Rawleigh's Liniment, bottle label) "Useful Internally to stimulate stomach and intestines; to relieve pain of spasmodic \* \* \* Colic \* \* \* Coughs and Bronchial Irritations. \* \* \* to all external pains \* \* \* non-infectious garget, \* \* \* treatment of spasmodic \* \* \* colic in horses"; (circular) "For External Use \* \* \* arousing a general invigorated activity of the tissues and skin \* \* \* assists nature and the blood cells in rebuilding injured tissue \* \* \* For Animals \* \* \* It is useful for Diarrhea, Scours, Colic \* \* \* Non-infectious Garget in Cows and Diarrhea in Poultry. For Internal Use \* \* \* will assist nature in arousing the parts involved to renewed activity to help overcome irritations and distresses attending acute indigestion \* \* \* opening the pores of the skin and permitting the elimination of certain kinds of waste from the system—all of which is helpful in mitigating chills \* \* \* useful in mitigating Acute Diarrhea and Cholera Morbus. \* \* \* Lamé Back \* \* \* Stiffness etc. \* \* \* Direction Chart For Using Rawleigh's Liniment \* \* \* Ague And Chills To stimulate circulation \* \* \* when the symptoms appear, or just before a chill comes on, take  $\frac{1}{2}$  to 1 teaspoonful of Rawleigh's Liniment in half a cup of hot water. \* \* \* If this does not mitigate the chill, repeat the dose in from 10 to 20 minutes. In severe chills Backache \* \* \* Swellings To increase circulation and reduce local congestion, rub Rawleigh's Liniment freely into the affected parts. If severe \* \* \* Cholera Morbus Take  $\frac{1}{2}$  to 1 teaspoonful Liniment in warm, sweetened water or milk. Repeat the dose every 15 minutes until relieved. \* \* \* Cramps & Colic Due to acute indigestion \* \* \* Take  $\frac{1}{2}$  to 1 teaspoonful Liniment in  $\frac{1}{2}$  glass of warm sweetened water or milk. Repeat the dose every 15 minutes until relieved. In severe cases \* \* \* protect the injury from infection \* \* \* Diarrhea Take  $\frac{1}{3}$  to  $\frac{2}{3}$  teaspoonful in warm water three times a day until relieved. Take light diet and avoid foods known to cause trouble. \* \* \* Acute Indigestion Due to overeating or improper foods. To stimulate activity of digestion and mitigate the distress, take  $\frac{1}{4}$  to  $\frac{1}{2}$  teaspoonful of Liniment in warm water. \* \* \* Pains \* \* \* Simple Sore Throat \* \* \* For Horses \* \* \* Bathe with Rawleigh's Liniment to protect from infection \* \* \* Diarrhea \* \* \* until relieved. For Cattle \* \* \* for Colic in horses \* \* \* Garget Non-infectious \* \* \* Scouring \* \* \* For Poultry Diarrhea \* \* \* if Diarrhea is severe. For Pigs or Lambs Diarrhea Or Scours [statements of a similar nature in foreign languages]"; (Rawleigh's Pain Relief, bottle label) "Pain Relief \* \* \* Useful internally for reducing pains in stomach, bowels and intestines when caused by acute indigestion \* \* \* simple diarrhoea. \* \* \* For sick stomach"; (circular) "Pain Relief \* \* \* A Safe \* \* \* Pain Medicine \* \* \* Useful in Reducing Stomach and Intestinal Pains of Colic, Acute Indigestion and Diarrhea \* \* \* Colic \* \* \* Scours and Diarrhea cause many losses in stock and poultry. Rawleigh's Pain Relief is useful in helping to overcome these conditions in stock as well as in human use. Spasmodic Colic, which is pain and cramping in the large intestine is a serious condition frequently resulting in inflammation of the bowels and becoming fatal. \* \* \* give a horse one-fourth bottle of Pain Relief in a pint of water, repeating in a half hour if necessary. \* \* \* Rawleigh's Pain Relief aids in stimulating the retarded digestion \* \* \* In half an hour repeat the dose of pain relief if necessary. Scours or Diarrhea in calves, colts, pigs, or lambs should not be neglected. Give a colt or calf 2 tablespoonfuls, a lamb or pig 1 teaspoonful of Rawleigh's Pain Relief in a little milk, repeating the dose every two hours and keeping animal warm and dry. White Diarrhea, Cholera and Bowel Trouble in Chickens are caused by germs and are infectious and contagious. Sick fowls should be isolated \* \* \* Rawleigh's Pain Relief, 1 tablespoonful to a pint of sweet milk or water will increase resistance and help in preventing spreading of the diseases. \* \* \* Pain Relief \* \* \* It is a valuable aid in relieving most ordinary cases of pain in the stomach and bowels caused by colic, acute indigestion, indigestible or tainted food, diarrhea, summer complaint \* \* \* It is also an adjuvant in overcoming \* \* \* simple sore throat, and La

Grippe and chills accompanying colds or after exposure. Best results in stomach and bowel pains, \* \* \* are secured by the use of a good Laxative accompanying or following the use of the Pain Relief \* \* \* How to Avoid These Pains Colic, intestinal pains and cramps \* \* \* and diarrhea, nausea, and sickness of stomach are most usually caused by indigestion or constipation, or both, and overtaxing the digestive system with an excess of foods or improper foods, or indigestible or irritating substances \* \* \* Some Common Internal Pains Their Causes and How Rawleigh's Pain Relief Helps to Overcome Them \* \* \* The common internal pains relieved by an internal medicine such as Rawleigh's Pain Relief are usually in the stomach or intestines and caused most frequently by indigestion, constipation, eating of improper or indigestible food or excess in eating or drinking, overloading the stomach with rich or irritating foods and overtaxing the digestive organs. \* \* \* Colic is most frequently caused from acute indigestion or the presence of irritating matter in the alimentary track. It may be due to overeating, cold drinks, eating of improper or indigestible food, and failure of the digestive organs to act vigorously and promptly. Rawleigh's Pain Relief, 1 teaspoonful diluted in a half glass of warm sweetened water or milk will assist in reducing the colic by stimulating digestion and checking fermentation that is often present. In severe pain and cramping, in addition to taking Pain Relief internally, bathe the stomach and abdomen with Rawleigh's Liniment and cover with a hot flannel. Indigestion results from improper diet, excessive, or irregular eating, eating too fast, bad teeth, raw or cold food causing chilling of the stomach, constipation, lack of exercise, worry, and weak or inactive organs of digestion. Rawleigh's Pain Relief is intended to reduce and check the painful symptoms. When digestion stops fermentation or decomposition of the mass of food sets in and gas develops. Besides checking the pain it is best to remove the cause of indigestion by use of a quick acting laxative like Rawleigh's Effervescent Salts or to aid digestion with Rawleigh's Dyspepsia Tablets after eating and feeling distress. Those who are troubled with indigestion, dyspepsia or constipation should study Rawleigh's Good Health Bulletins Nos. 205 and 208, Subjects Constipation and Dyspepsia, which contain much valuable dietetical information and helpful suggestions for overcoming these common disorders. Diarrhea, Summer Complaint, Flux and Cholera Morbus are caused from some irritating substance in the alimentary canal or an intestinal infection and frequently follow indigestion or the overeating of green fruit or vegetables, or eating of tainted food, and are common during the summer and fall, when there is an abundance of fresh food of laxative nature and when foods spoil quickly. In Diarrhea the natural course is to remove the irritating substance from the intestines and to check the irritation or infection. The use of a good laxative is advisable to assist elimination and to purge the bowels of poisonous irritating matter. A warming, stimulating astringent and healing medicine will soon restore the organs to normal action, especially if one refrains from eating or eats lightly of easily digested non-toxic foods for a few meals. To reduce the pain and cramping, the gripping and straining in diarrhea, Rawleigh's Pain Relief is of grateful assistance. It helps to reduce fermentation of undigested food and is warming and stimulating to the stomach and intestinal walls, helping to overcome the irritation and pain in the delicate membranes. For the pain and cramps take 1 teaspoonful of Rawleigh's Pain Relief in half a glassful of warm sweetened water or milk, repeating in a half hour if necessary. If cramps are severe, Rawleigh's Liniment may be rubbed on the abdomen and covered with warm flannel. Sickness Of Stomach, Nausea, Vomiting And Billiousness are most frequently caused by constipation, indigestion, or overloading the stomach or too rich or irritating food. Vomiting is a common symptom in children and may indicate the start of a contagious disease like measles, scarlet fever or chicken pox, but more often due to bowel trouble, such as constipation, or eating of too much meats, sweet or rich food that overtaxes the delicate stomach. Billiousness and sick headaches frequently are symptoms of constipation and delayed or slow bowel movement. The bowels should move two or three times each day. When that is the case, the troubles referred to in this circular would be unusual. To help reduce the pain and check the spasmodic straining of vomiting and to stimulate action of the stomach, Rawleigh's Pain Relief is useful in many cases. Dilute 1 teaspoonful in 10 to 15 teaspoonfuls of warm water and take a swallow every five minutes until the stomach settles and vomiting is relieved. When vomiting stops \* \* \* While a good Pain Medicine easily taken internally and safe and reliable for family use, like Rawleigh's Pain Relief, is inval-



uable for reducing the frequent painful symptoms of stomach and bowel troubles, most of these painful symptoms may be avoided by careful selection of food, avoiding excess of rich foods that are hard to digest, unripe fruits, or irritating, or practically indigestible foods, and by keeping the bowels regulated so that at least two normal natural movements occur every day. Colds and Lagrippe occur in various forms and one suffers from aching joints and muscles, fever and headache. Colds should not be neglected. The best treatment perhaps is to go to bed and keep warmly covered after taking a hot bath or foot-bath. Rawleigh's Cold Tablets taken promptly will help to eliminate the cold from the system. Keep the bowels free with a good laxative. Rawleigh's Pain Relief, as an auxiliary treatment for fresh colds, 1 teaspoonful in a half glass of hot water or milk, will help to stimulate the circulation and increase activity of the pores of the skin, to lessen the chilling and aching and increase the vitality. Taken on retiring, after a hot foot bath, it will help to start perspiration. The patient should rest in bed, keeping well covered during and following perspiration and until the fever and aching have stopped. For authoritative information regarding colds and their treatment, refer to Rawleigh's Good Health Bulletin, No. 201, 'Influenza and LaGrippe'. [Statements of a similar nature in foreign languages]."

On September 4, 1934, the W. T. Rawleigh Co., Minneapolis, Minn., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the products be released to the claimant under bond, conditioned that they be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23281. Misbranding of P. T. M. Formula Home Treatment. U. S. v. 73**  
**Cartons or Kits of P. T. M. Formula. Consent decree of con-**  
**demnation. Product released under bond to be relabeled. (F. &**  
**D. no. 33155. Sample no. 830-B.)**

This case involved a shipment of P. T. M. Formula consisting of cartons or kits, each containing three preparations, designated as a medicated mouth wash, concentrate, and medicated tooth paste. The medicated wash contained undeclared alcohol. Unwarranted curative and therapeutic claims were made for the outfit on the labels of the mouth wash and tooth paste, and on the large carton enclosing the products.

On or about August 7, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 73 cartons or kits of P. T. M. Formula at Seattle, Wash., alleging that the article had been transported in interstate commerce, on or about July 12, 1934, by R. G. Sewell, of Seattle, Wash., from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "P. T. M. Formula Home Treatment \* \* \* P. T. M. Formula Company \* \* \* Los Angeles."

Analysis showed that the medicated mouth wash consisted essentially of zinc sulphate, sodium chloride, glycerin, alcohol (4.5 percent), and water (approximately 93.5 percent) flavored with peppermint oil; that the concentrate consisted essentially of zinc sulphate, sodium chloride, glycerin, and water, colored and flavored; and that the medicated tooth paste consisted essentially of calcium carbonate, soap, glycerin, and water, flavored with peppermint oil.

The article was alleged to be misbranded in that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained in the medicated mouth wash. Misbranding was alleged for the further reason that the following statements appearing in the labeling, were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: (Medicated mouth wash) "Extremely Beneficial in the treatment of Sore and Tender Gums"; (medicated tooth paste, tube and carton) "Use P. T. M. Formula medicated Tooth Paste morning and evening for all mouth and gum infections, tender, sore or bleeding gums"; (large carton containing combined treatment) "Directions P. T. M. Formula Home Treatment P. T. M. Formula [concentrate, small bottle] Use as follows: Dry the gums with absorbent cotton and apply P. T. M. Formula concentrate directly to the gums and all affected mouth tissues, using a small bit of cotton on end of wooden applicator. Carefully apply liquid along the margin of the gums, pressing gently in order that it may penetrate deep around the teeth. Apply twice daily for three days, then once every other night just before retiring, until the infection entirely disap-



pears. P. T. M. Formula Medicated Tooth Paste and P. T. M. Formula Medicated Mouth Wash should be used regularly twice daily. The teeth should be carefully brushed, using a vertical motion with the brush. Massage the gums for two or three minutes each night, using a little of the paste on your finger tip, before applying the concentrate. When you have completed the treatment, you may discontinue using the concentrate, but by all means continue the use of P. T. M. Formula Medicated Tooth Paste and P. T. M. Formula Medicated Mouth Wash twice daily to prevent re-infection and keep your mouth and gums in a healthful condition. Important! The teeth should be thoroughly cleaned, and all tartarous deposits completely removed by a competent dentist either before or during the first few days of treatment. Unless tartar formations are removed from the teeth, the tissues are constantly irritated and this prevents the medicine from penetrating to the seat of the infection. P. T. M. Formula products give you daily protection against infection. There is no better insurance for your Teeth!"

On September 4, 1934, the P. T. M. Formula Co., Los Angeles, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23282. Misbranding of Dr. Haynes' Arabian Balsam. U. S. v. 288 Small Bottles and 72 Large Bottles of Dr. Haynes' Arabian Balsam. Default decree of destruction. (F. & D. no. 33159. Sample nos. 5260-B, 5261-B.)**

This case involved an interstate shipment of a drug preparation, the labeling of which contained unwarranted curative and therapeutic claims. It also was claimed for the article that it was perfectly safe, whereas it contained an ingredient which might be harmful.

On August 6, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 288 small bottles and 72 large bottles of Dr. Haynes' Arabian Balsam at Boston, Mass., alleging that the article had been shipped in interstate commerce, on or about February 27 and April 30, 1934, by E. Morgan & Sons, from Providence, R. I., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Dr. Haynes' Arabian Balsam \* \* \* Prepared by E. Morgan & Sons Providence, R. I."

Analysis showed that the article consisted essentially of cottonseed oil (87 percent) and volatile oils, including oil of turpentine, and a very small proportion of oil of thyme.

The article was alleged to be misbranded in that the following statements in the labeling were false and misleading: (Circular) "No person need fear to use this medicine \* \* \* It is soothing and healing in its influence, and may be given to any age or sex with perfect safety"; (bottle, large size) "Do not be afraid to use it." Misbranding was alleged for the further reason that the labeling contained false and fraudulent representations regarding its effectiveness to relieve suffering and heal, and as an external or internal treatment for poisoning, pain, including pains in the back, neck, shoulders and chest, wounds and swellings, stiff neck or joints, piles, bronchitis, and intestinal disorders, internal soreness or pains, throat affections, coughs, sore throat, hoarseness or bronchitis, whooping cough, cuts, wounds, burns or scalds, canker in the mouth, inflammation of the eye, deep-seated pains, earache, disorders of the stomach or bowels, croup, rheumatism, and stoppage of the bowels, in human beings; and for scratches, skin diseases, old sores, wounds of every description, cracked heels, stiff joints, quinsy, and coughs, in animals.

On September 11, 1934, no claimant having appeared, judgment of forfeiture was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23283. Misbranding of Marisco Menthol Inhaler. U. S. v. 10 Dozen Packages of Marisco Menthol Inhaler. Default decree of condemnation and destruction. (F. & D. no. 33237. Sample no. 6413-B.)**

This case involved a drug preparation, the labeling of which contained unwarranted curative and therapeutic claims.

On August 8, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in

the district court a libel praying seizure and condemnation of 10 dozen packages of Marisco Menthol Inhaler at Scranton, Pa., alleging that the article had been shipped in interstate commerce, on or about July 2, 1934, by the John M. Maris Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the product consisted of menthol in a device adapted for use as an inhaler.

The article was alleged to be misbranded in that the following statements regarding the curative or therapeutic effects of the article, appearing on the display carton, were false and fraudulent: "Relieves \* \* \* Catarrh \* \* \* Hay Fever \* \* \* Asthma."

On September 12, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23284. Misbranding of Bulgarian Marvel Herb Tea Compound. U. S. v. 72 Packages of Bulgarian Marvel Herb Tea Compound. Default decree of condemnation and destruction. (F. & D. no. 33240. Sample no. 64748-A.)**

This case involved a product labeled to convey the impression that it consisted entirely of herbs and that it was a Bulgarian product. Analysis showed that one of the active ingredients was Epsom salt and that it was not of Bulgarian origin. The labels also contained unwarranted curative and therapeutic claims.

On August 13, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 packages of Bulgarian Marvel Herb Tea Compound at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about June 6, 1934, by the Marvel Products Co., from Pittsburgh, Pa., and charging misbranding in violation of the Food and Drugs act as amended.

Analysis showed that the article consisted essentially of Epsom salt (10.3 percent), senna leaves, uva ursi leaves, sassafras bark, licorice root, dog grass, elder flowers, lavender flowers, fennel seed, and anise seed.

The article was alleged to be misbranded in that the following statements in the labeling were false and misleading: (Carton) "Bulgarian Style Marvel Herb Tea Compound, \* \* \* Bulgarian Style Herb Tea \* \* \* Prepared from \* \* \* Herbs"; (circular) "Bulgarian Style Marvel Herb Tea Compound \* \* \* Bulgarian Herb Tea, \* \* \* This Formula is based Entirely upon Natural Herbs, Flowers, Leaves, Berries, Seeds, Roots and Barks." Misbranding was alleged for the further reason that the following statements in the labeling, were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: (Display carton) "Regulates the Stomach, Liver and Kidneys \* \* \* Improves the Blood."

On September 26, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23285. Misbranding of Grove's Emulsified Nose Drops. U. S. v. 70 Dozen Packages of Grove's Emulsified Nose Drops. Default decree of condemnation and destruction. (F. & D. no. 33243. Sample nos. 72310-A, 20-B.)**

This case involved a drug preparation the labeling of which contained unwarranted curative, therapeutic, antiseptic, and germicidal claims.

On August 20, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 dozen packages of Grove's Emulsified Nose Drops at Grand Junction, Colo., consigned by E. W. Grove and the Paris Medicine Co., St. Louis, Mo., alleging that the article had been shipped in interstate commerce, in part on or about January 5, 1934, and in part on or about January 8, 1934, from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of ephedrine hydrochloride, menthol, a chlorine compound, mineral oil, and water. Bacteriological examination showed that it was not germicidal nor antiseptic.

The article was alleged to be misbranded in that the following statements in the circular were false and misleading: "Grove's Emulsified Nose Drops are genuinely germicidal. They contain a germicide fully 120 times as strong as



carbolic acid, yet as harmless to tissues as water. \* \* \* It is highly antiseptic. It inhibits the growth of bacteria in the nasal passages \* \* \* the best results are obtained by using a large enough quantity of the liquid to produce an antiseptic dressing over the nasal membrane that will last for hours. \* \* \* Daily treatment of the nasal passages with Grove's Emulsified Nose Drops will do much to combat the work of malignant germs \* \* \* Note:—A slight stinging sensation in back of throat after application of Grove's Emulsified Nose Drops lasts about 2 minutes—this is the effect of coating the membranes with antiseptic dressing."

Misbranding was alleged for the further reason that the following statements in the labeling were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: (Bottle) "Directions Hold head well back. Place 4 to 8 drops in nostrils. Keep head back until drops are felt in back of throat. \* \* \* coming in direct contact with the affected membranes—giving thorough nasal prophylaxis"; (carton) "Provides Quick \* \* \* Lasting Relief \* \* \* Effectively controls Nose and Throat Irritations \* \* \* Nasal Prophylaxis Revolutionized", (circular) "First of all, Grove's Emulsified Nose drops are genuinely germicidal. They contain a germicide fully 120 times as strong as carbolic acid, yet as harmless to tissues as water. Second, it is highly antiseptic. It inhibits the growth of bacteria in the nasal passages and this is very important for most nasal troubles are due to irritation caused by bacteria feeding upon and breeding in the mucous membranes. Third, is healing in effect. It stimulates the repair processes of Nature by which the \* \* \* injured membranes are reconstructed. Fourth, it is relaxing. It softens and relaxes the tissues \* \* \* establishing a normal blood supply to the part. \* \* \* Grove's Emulsified Nose Drops are absolutely harmless and may be safely used in any quantity, even by children. To obtain best results, hold the head well back, place 4 to 8 drops in each nostril and snuff up well, keeping the head back until slight sting of medication is felt in the back of the throat. Do not be afraid of using too much, as the best results are obtained by using a large enough quantity of the liquid to produce an antiseptic dressing over the nasal membrane that will last for hours. \* \* \* Stuffed Head, Difficult Breathing: Apply frequently same as for Nasal Colds until relief is obtained. Night Coughing: One-fourth to one-third dropped full before retiring, in order to thoroughly coat passages. Hay and Rose Fever: 4 to 8 drops every two or three hours, starting two weeks before attack and continuing through Hay Fever period. Bronchial Asthma: 4 to 8 drops three times daily. Catarrh: 4 to 8 drops morning and at night upon retiring. Sinus Distress: Same as for Catarrh. Babies and Young Children: Infants up to two years of age, 2 drops in each nostril three times daily. Children over two years of age doses proportionately larger. \* \* \* It is extremely important to keep the nasal passages in a clean and wholesome state. Over eighty well-known diseases find their way into the body through the mouth and nose. Daily treatment of the nasal passages with Grove's Emulsified Nose Drops will do much to combat the work of malignant germs. \* \* \* Those who suffer from any nasal irritation at all should begin the use of Grove's Emulsified Nose Drops immediately and keep it up faithfully. It will not only give the relief and comfort you seek, but it will do much toward putting your nasal passages in the state where permanent results may be expected."

On October 30, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23286. Misbranding of Scalp Remedy, Hay Fever Remedy, G. O. Remedy, Itch and Eczema Remedy, and Pyorrhea Remedy. U. S. v. 24 Bottles of Scalp Remedy, et al. Default decree of condemnation and destruction. (F. & D. nos. 33261 to 33265, incl. Sample nos. 211-B to 215-B, incl.)**

This case involved various drug preparations, the labels of which contained unwarranted curative and therapeutic claims.

On August 20, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 bottles of Scalp Remedy, 24 bottles of Hay Fever Remedy, 17 bottles of G. O. Remedy, 25 bottles of Itch and Eczema Remedy, and 24 bottles of Pyorrhea Remedy at Denver, Colo., consigned by the Continental Divide Remedies Co., alleging that the articles had been shipped in interstate commerce, on or about April 1, 1933,



from Rawlins, Wyo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the articles consisted essentially of extracts of plant drugs, salicylic acid, and water.

The articles were alleged to be misbranded in that the following statements in the labeling were statements regarding the curative or therapeutic effects of the articles, and were false and fraudulent: (Scalp Remedy) "Scalp Remedy For the relief of \* \* \* dandruff"; (Hay Fever Remedy) "Hay Fever Remedy For the Instant Relief of this ailment; Directions:—Spray in the nostrils as often as required"; (G. O. Remedy) "G. O. Remedy For the Relief of Gonorrhea; Directions: Inject twice a day"; (Itch and Eczema Remedy) "Itch and Eczema Remedy for the relief of Itch and Eczema, including Psoriasis; Directions:—Apply to the affected area twice daily"; (Pyorrhea Remedy) "Pyorrhea Remedy For the relief of Pyorrhea, Vincent's Infection, Gingivitis, Sore Gums, etc.; Directions: Use three times daily as a mouth wash. Do not rinse the mouth after using."

On October 22, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

M. L. WILSON, *Secretary of Agriculture.*

**23287. Misbranding of aspirin tablets. U. S. v. 719 Tins of Aspirin Tablets. Default decree of condemnation and destruction. (F. & D. no. 33289. Sample no. 7305-B.)**

This case involved a shipment of aspirin tablets, the labels of which contained unwarranted curative and therapeutic claims.

On August 22, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 719 tins of aspirin tablets at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce, on or about March 13, 1934, by the Purity Drug Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Strobak Aspirin Tablets \* \* \* Strobak Laboratories, Inc., New York, N. Y."

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, were false and fraudulent: "For \* \* \* Lumbago, Distressing Cough, Acute Sore Throat."

On September 17, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23288. Misbranding of Woolford's Sanitary Lotion. U. S. v. 40 Bottles of Woolford's Sanitary Lotion. Default decree of condemnation and destruction. (F. & D. no. 33292. Sample no. 2904-B.)**

This case involved a drug preparation, the labeling of which contained unwarranted curative and therapeutic claims. The article was represented to contain sodium chloride, whereas it contained no sodium chloride.

On August 24, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 bottles of Woolford's Sanitary Lotion at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce, on or about February 15, 1934, by the Kells Co., from Newburgh, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Woolford's Sanitary Lotion \* \* \* The Kells Company, Mfrs. and Distributors. Newburgh, N. Y."

Analysis showed that the article consisted essentially of calcium sulphide (1.8 percent), and sulphur (2.5 percent), and water.

The article was alleged to be misbranded in that the statement on the bottle and carton labels, "Sodium Chloride 5.64 Per Cent", was false and misleading since it contained no sodium chloride. Misbranding was alleged for the further reason that the following statement on the carton and bottle, regarding the curative or therapeutic effects of the article, was false and fraudulent: "Recommended in the treatment of some forms of \* \* \* mange and certain skin diseases."

On September 21, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23289. Adulteration and misbranding of Manikin Tea. U. S. v. 21 Packages of Manikin Tea. Default decree of condemnation and destruction. (F. & D. no. 33295. Sample no. 7301-B.)**

This case involved a product represented to be a safe, harmless beverage. Analysis showed that it contained the drug senna which might have rendered it injurious. The labeling contained unwarranted curative and therapeutic claims.

On August 23, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 packages of Manikin Tea at Dover, N. J., alleging that the article had been shipped in interstate commerce, on or about September 5, 1933, by the Manikin Products, Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of senna leaves, calendula flowers, coriander fruits, anise seed, marine algae (fucus), sassafras bark, corn flowers, and althea roots.

The article was alleged to be adulterated under the provisions of the law relating to food, in that it contained an added deleterious ingredient, senna, which might have rendered it injurious to health.

Misbranding was alleged under the provisions of the law relating to foods and drugs in that the following statements in the labeling were false and misleading: (Carton) "Manikin \* \* \* For a Fashionable Figure Guaranteed Absolutely Safe. A pleasant Beverage of Finest Herbs \* \* \* harmless \* \* \* Manikin Tea is a simple, safe, reliable aid in weight reduction \* \* \* Don't envy the slim, graceful figure of a Fashion Manikin. Have one yourself"; (circular) "Manikin \* \* \* For a Fashionable Figure Guaranteed Absolutely Safe. A Pleasant Beverage of Finest Herbs \* \* \* use this beverage. \* \* \* this excellent beverage to attain a youthful, athletic figure. \* \* \* Manikin Tea is 100% \* \* \* Harmless \* \* \* it is absolutely harmless, \* \* \* In other words, the fruits of Mother Nature have been utilized in the preparation of Manikin Tea. In taking it regularly you can do so with the absolute assurance that you are drinking a good, safe beverage." Misbranding was alleged under the provisions of the law relating to drugs in that the following statements in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Carton) "It \* \* \* effectively promotes Chemical Balance in the body"; (circular) "A boon to overweight people. The reduction of excess weight should be brought about safely. Don't try working it off too strenuously; that is certainly dangerous, and one may say hopeless; fasting is out of the question; reduction of excess flesh should be gradual, natural and pleasant. The laxative qualities of Mankin Tea are such that the intestinal tract is thoroughly cleansed. In the opinion of medical authorities who have studied the subject, proper elimination is essential in order that the body may have Chemical Balance. When the body possesses chemical balance, the possibility of overweight is brought down to a minimum. Manikin Tea together with a common-sense diet and normal activities is an aid to weight reduction. The Manikin Tea method is designed to bring the body down to normal weight but—and this is important—Manikin Tea Does Not Lower The Body Vitality. On the contrary, while the Manikin Tea method assists in ridding the body of fat tissues, it, at the same time, helps to firm up the entire human system. In effecting proper elimination, Manikin Tea aids in establishing the proper circulation of the blood. No Starvation Diets—No Strenuous Exercises. The use of Manikin Tea by overweight men and women does not require any specific diets nor does it call for strenuous exercise. Of course, there are certain types of obesity which are caused by glandular or other organic troubles. In such instances, it is advisable to consult a reputable physician. Overweight persons who drink the delicious Manikin Tea may eat reasonable meals three times a day; there is no need to go hungry. Of course, there are some foods that are excluded, but these are so few that you will not miss them. For instance, These Are Some Of The Foods Which Cause Excess Weight: \* \* \* carbohydrates \* \* \* You need these to burn up fat. The Following List Gives a Fairly Good Idea Of The Kinds Of Food That You May Eat While Reducing—Foods Which, In The Opinion Of Several Well-Known Dieticians, Help To Bring About Chemical Balance In Your Body: \* \* \* Do not think that Manikin Tea will reduce excess flesh overnight. It must be taken consistently, but that certainly is not

a hardship \* \* \* And in drinking Manikin Tea simply throw away your calory list and live a normal healthy life. \* \* \* Manikin Tea is made from \* \* \* excellent health maintaining herbs. \* \* \* to attain a youthful athletic figure. Don't Envy The Sylphlike Figure Of A Fashion Manikin. Drink Manikin Tea And Have One Yourself."

On October 24, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23290. Adulteration and misbranding of compound Epsom salt tablets. U. S. v. 109 Bottles and 99 Bottles of Compound Epsom Salt Tablets. Default decree of condemnation and destruction.** (F. & D. no. 33298. Sample nos. 7309-B, 7310-B.)

This case involved a product labeled to convey the impression that it was essentially a preparation of Epsom salt. Analysis showed that it contained phenolphthalein and aloin, which would produce its principal physiological effects, the Epsom salt present being relatively unimportant.

On August 24, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 208 bottles of compound Epsom salt tablets at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce, on or about July 5, 1934, by the Marlo Products Co., from Cleveland, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Compound Epsom Salt Tablets \* \* \* Marlo Products Co. Distributors."

Analysis showed that the tablets consisted essentially of phenolphthalein (0.6 grain per tablet), aloin, Epsom salt (2.1 grains per tablet), and were coated with sugar and calcium carbonate.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Compound Epsom Salt Tablets."

Misbranding was alleged for the reason that the statement on the label, "Compound Epsom Salt Tablets", was false and misleading, since the proportion of Epsom salt in the product was so small that it would have no detectable physiological effect.

On September 17, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23291. Misbranding of Rooks' Enteritis Powder. U. S. v. Seventeen 1-Pound Cans, et al., of Rooks' Enteritis Powder. Default decree of condemnation and destruction.** (F. & D. no. 33302. Sample no. 77510-A.)

This case involved a drug preparation, the label of which contained unwarranted curative and therapeutic claims.

On August 28, 1934, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying the seizure and condemnation of 29 cans of Rooks' Enteritis Powder at Walpole, N. H., alleging that the article had been shipped in interstate commerce, on or about July 3 and September 17, 1933, by C. G. Rooks, from Sidney, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of zinc sulphate, a calcium compound, a small proportion of a chloride, a small proportion of iron compound, and plant material.

The article was alleged to be misbranded in that the following statements appearing on the label, were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: "Enteritis Powder Coccidiosis—Enteritis—Paralysis in Poultry \* \* \* In severe cases two or three successive treatments, \* \* \* Flocks suffering from Coccidiosis and Enteritis frequently show scattered worm infestation; but it is almost useless to treat for worms until the digestive tract is restored to health. \* \* \* This powder acts as a mild antiseptic for healing, cleaning irritated intestines."

On October 5, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*



**23292. Misbranding of Brumfield's Asthma and Cough Remedy. U. S. v. 8 Bottles and 41 Bottles of Brumfield's Asthma and Cough Remedy. Default decree of destruction. (F. & D. no. 33310. Sample nos. 3343-B, 3344-B.)**

This case involved a drug preparation, the labeling of which contained unwarranted curative and therapeutic claims.

On August 29, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 large bottles and 41 small bottles of Brumfield's Asthma and Cough Remedy at Kansas City, Mo., alleging that the article had been shipped in interstate commerce, on or about November 27, 1933, by J. P. Brumfield, from Galena, Kans., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of chloroform, an antimony compound, a fatty oil, alcohol, glycerin, gum, sugar, and water.

The article was alleged to be misbranded in that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article, were false and fraudulent: (Bottle label, both sizes, and wrapper of large size) "For every kind of cough \* \* \* asthma and cough \* \* \* for coughs, asthma, bronchial trouble, croup, whooping cough, flu, cough, chronic cough, lung trouble, miner's cough, short breath, sore throat, relieves paroxysms of \* \* \* whooping cough, makes the phlegm rise easily for consumptives."

On October 9, 1934, no claimant having appeared, judgment was entered finding the product misbranded and ordering that it be destroyed.

**M. L. WILSON, Acting Secretary of Agriculture.**

**23293. Misbranding of Amenoco Capsules. U. S. v. 9 Packages of Amenoco Capsules. Default decree of condemnation and destruction. (F. & D. no. 33312. Sample no. 7307-B.)**

This case involved a drug preparation, the label of which contained false and misleading claims as to its composition and unwarranted claims as to its alleged curative and therapeutic effects.

On August 29, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine packages of Amenoco Capsules at Wilkes-Barre, Pa., alleging that the article had been shipped in interstate commerce, on or about July 20, 1934, by the Purity Drug Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of quinine sulphate (0.86 grains per capsule), aloe, powdered plant material, and essential oils including pennyroyal oil.

The article was alleged to be misbranded in that the statement on the label, "A combination of pennyroyal; tansy; parsley; quinine; rue; ergotin; savin and vegetable oils in soft gelatine capsules", was false and misleading, since the article contained, among other ingredients, aloe. Misbranding was alleged for the further reason that the statements on the label, regarding the curative or therapeutic effects of the article, "Amenoco \* \* \* for the treatment of Menstrual Disorders", were false and fraudulent.

On September 21, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

**M. L. WILSON, Acting Secretary of Agriculture.**

**23294. Misbranding of Syn-O-Scope outfits and Synex refills. U. S. v. 200 Syn-O-Scope Outfits and 288 Synex Refills. Consent decree of condemnation. Medicine ordered destroyed, and outfits returned to claimant. (F. & D. no. 33394. Sample nos. 11202-B, 11210-B.)**

This case involved Syn-O-Scope outfits, each consisting of a bottle of Synex, an apparatus for its use, and a quantity of refills for the outfits. The labels on the bottles of Synex and a circular shipped with the outfits contained unwarranted curative and therapeutic claims.

On September 5, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 Syn-O-Scope outfits and 288 Synex refills at Seattle, Wash., alleging that the articles had been shipped in interstate commerce, on or about August 9, 1934, by the Syn-O-Scope Laboratories, from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the Synex showed that it consisted essentially of volatile oils including eucalyptus oil, a trace of an alkaloid, alcohol (20 per cent), and water.

The article was alleged to be misbranded in that the designation "Synex", on the bottle label, was false and fraudulent in view of the interpretation given to the term by reason of the reference to the use of the article in the treatment of sinusitis, in the circular, and in that the following statements in the circular were statements regarding the curative or therapeutic effects of the Synex, and were false and fraudulent: "Syn-O-Scope \* \* \* For \* \* \* Catarrh of The Nasal Passages Directions: Unscrew the cap where hose is attached to Syn-O-Scope. Allow 15 to 20 drops of medicant to flow into the sponge within the barrel. Replace cap. Then, merely place the tip in the nostril, holding it in position by the hand. Grasp the mouth-piece between the lips and blow. Use the amount of pressure suitable to your own case, but not too hard at first. The harder you blow, the deeper the medicated vapor reaches into the nasal cavities. Each day of active use add 3 to 5 drops of medicament (Syntex) to the sponge \* \* \* The body's first line of defense against diseases of the respiratory tract is the mucus membrane covering those parts. Syn-O-Scope helps to preserve intact these membranes. The unhealthy condition of these membranes in the head cold makes it easier for 'secondary invading bacteria' to gain a foothold. It is for this reason that colds 'develop into' pneumonia, diphtheria, scarlet fever, etc. The germs for these diseases may always be present, but a healthy mucus membrane is able to combat their growth and protect the body. \* \* \* restores the body's first line of defense against the ever-present disease germs which are always waiting for an opening. \* \* \* Sinusitis: The first extension of the head cold produces much feared sinusitis. The sinuses are big air-filled chambers leading from the nasal cavities proper. Normally there is a constant drainage from these cavities through tiny channels into the nasal spaces. A catarrhal swelling of the membrane closes these channels and blocks the drainage. The pressure in the sinus rises and the stuffy, dull sinus headache is established. The warm medicated vapor of Syn-O-Scope shrinks down this congested mucus membrane; the channels are again opened and drainage is restored. This explains why Syn-O-Scope is largely acclaimed by those who use it in sinus trouble. Hay-fever and asthma: These conditions are generally due to an altered response of the body to some protein substance for which the unfortunate sufferer has become over-sensitive. The rational cure for these ailments should be the discovery of this particular protein and the desensitization of the body for it. This beautiful theory actually works in about one-third of the cases. Every sufferer of these troubles should make the attempt at such a cure. But the great majority of hay-fever and asthma sufferers must depend on 'non-specific' means for relief. Syn-O-Scope is the simplest, most direct and most rational of these non-specific methods. Every hay-fever and asthma sufferers should have a Syn-O-Scope at hand. Influenza: Invariably the port of entry by which Influenza invades the system is the nasal and throat passages. When once established in the system it runs its inevitable course. Protection is the word. We cannot all go about wearing gas masks, but we can maintain a barrage against these disease germs by systematic use of Syn-O-Scope, thus maintaining an active and healthy state in the nasal passages. Catarrh: The soft delicate lining of the nasal cavities must be kept moist. It cannot tolerate drying. A provision for a continuous moisture supply has been made in the countless tiny mucus glands which are thickly scattered throughout the surface of this membrane. Sometimes, even in the absence of infection, these glands become chronically over-active and maintain a secretion far in excess of that required for normal moisture. This results in the chronic catarrhal state so often met with. The excess fluid accumulates on the surface and eventually drops backward into the throat, reproducing the irritating catarrhal cough which wears down the health without serving any good purpose. There is often an accompanying nasal discharge. Frequently these discharges undergo bacterial decomposition within the head cavities, resulting in halitosis or bad breath. The astringent properties of Synex are effective in depressing these mucus glands; its soothing properties will eventually restore normal tone and secretions to these catarrhal membranes, relieving at once the cough distress and halitosis."

On September 25, 1934, Lorado R. Snell, Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the out-



fits be delivered to the claimant after the medicine contained therein was removed and destroyed, and that the refills be also destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23295. Adulteration and misbranding of Booth's Hyomei. U. S. v. 4 Booth's Hyomei Pocket Inhaler Outfits and 23 Booth's Hyomei Refills. Default decree of condemnation and destruction. (F. & D. no. 33395. Sample no. 10829-B.)**

This case involved a drug preparation the labels of which contained unwarranted curative, therapeutic, and antiseptic claims.

On September 10, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4 Booth's Hyomei Pocket Inhaler Outfits and 23 Booth's Hyomei Refills at Portland, Oreg., alleging that the articles had been shipped in interstate commerce, on or about March 21 and July 3, 1934, by the McCullough Drug Co., from Lawrenceburg, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Booth's Hyomei \* \* \* An Antiseptic Breathing Treatment \* \* \* Booth's Hyomei Company Sole Distributors Ithaca, N. Y., Toronto, Ont."

Analysis showed that the liquid consisted essentially of volatile oils including eucalyptus oil (70 percent), alcohol, and liquid petrolatum. Bacteriological examination showed that neither the liquid nor its vapor was antiseptic.

Adulteration was alleged in that the strength of the inhaler material fell below the professed standard under which it was sold, namely, (carton) "An Antiseptic Breathing Treatment", since it was not antiseptic.

Misbranding was alleged for the reason that the statement on the carton label, "An Antiseptic Breathing Treatment", was false and misleading. Misbranding was alleged for the further reason that the bottle label, carton, and circulars shipped with the articles, contained false and fraudulent representations regarding its effectiveness in the treatment of catarrh of the head and throat, hay fever, catarrhal coughs, bronchitis, croup, spasmodic croup, bronchial catarrh, catarrhal laryngitis, stuffed-up head, hoarseness, husky voice, raw and inflamed membrane of the nose and throat, protracted or frequent colds, snuffles, difficult breathing or tightness of the chest, catarrhal coughs and colds of children, and weak and hoarse voice.

On October 24, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23296. Misbranding of Mixer's Cancer and Scrofula Syrup. U. S. v. 5 Bottles of Mixer's Cancer and Scrofula Syrup. Default decree of condemnation and destruction. (F. & D. no. 33397. Sample no. 6140-B.)**

This case involved a drug preparation, the labeling of which contained unwarranted curative and therapeutic claims.

On September 10, 1934, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five bottles of Mixer's Cancer and Scrofula Syrup at Columbia, S. C., alleging that the article had been shipped in interstate commerce, on or about July 10, 1934, by the Mixer Medicine Co., from Hastings, Mich., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of potassium iodide (2.5 grams per 100 milliliters), extracts of plant drugs including a laxative drug, sugar, alcohol, and water, flavored with methyl salicylate.

The article was alleged to be misbranded in that the statements on the carton and bottle label, and in the booklet shipped with the article, concerning its curative and therapeutic effects in the treatment of cancer—including cancer of the lip, nose, face, eye, forehead, cheek, chin, eyebrow, ear, neck, tongue, shoulder, breast, womb, and knee—scrofulous affections, erysipelas, St. Anthony's fire, tinea capitis, scaldhead, milk crust, salt rheum, ringworm, tetter, tumors, ulcers, boils, pustules, blotches, pimples, catarrh, laryngitis, bronchitis, dyspepsia, piles, fistula, diseases peculiar to the glandular and assimilative systems, scrofula and kindred diseases, abscesses, all blood diseases, sores, fever sores, goiter, eruptions, malignant conditions or growths, rheumatism, eczema, cancerous tumor, chronic ulcer, running sore, ulcers in the throat, asthma, catarrh of the stomach, enlarged glands, tuberculosis of the bones, sore eyes, blindness, car-



buncles, ovarian tumor, consumption, cramping of limb, milk leg, varicose veins, lameness of the back, and swelled neck, were false and fraudulent.

On October 23, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. Wilson, *Acting Secretary of Agriculture.*

**23297. Misbranding of Bullock's Husk Dressing. U. S. v. 22 Packages of Bullock's Husk Dressing. Default decree of condemnation and destruction.** (F. & D. no. 33421. Sample no. 10580-B.)

This case involved a drug preparation, the labeling of which contained unwarranted curative and therapeutic claims.

On September 6, 1934, the United States Attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 packages of Bullock's Husk Dressing at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about August 9, 1934, by F. C. Bird, agent for the Bullock-Walker Manufacturing Co., from South Orange, N. J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of mercurous chloride (or calomel, 5.35 percent), zinc oxide (3.75 percent), bismuth subnitrate (1.41 percent), aluminum sulphate (0.1 percent), and phenolic substances including resorcin and salicylic acid (not more than a trace), incorporated in an ointment base.

The article was alleged to be misbranded in that the following statements appearing in the labeling, were statements regarding the curative and therapeutic effects of the article, and were false and fraudulent: (Carton) "Anti Pain \* \* \* Anesthetic \* \* \* Specific Indications Varicose Ulcer, Cancer, Fissures \* \* \* Eczema, Syphilis, Hemorrhoids, Ulcers \* \* \* Burns \* \* \* 2d-3d degree \* \* \* Burns 2nd Degree \* \* \* Wounds \* \* \* Factor in pain elimination—Positive Possibility of infection—Negligible \* \* \* Reconstructive ability—Proven Phlegmon (Varicose Ulcer) \* \* \* exercising \* \* \* anesthetic influence, in malignant disintegration of the tissues, soothes the attendant pain and at the same time restores the functions so far as possible under the circumstances. Varicose (broken vein) Ulcers readily yield to the authority of this dressing, are made painless from the first application, permitting the patient to resume his vocation with no sense of discomfort"; (jar labels) "Anti-pain \* \* \* for Burns (\* \* \* 2nd., 3rd. degree) \* \* \* certain ulcerous conditions \* \* \* Eruptions of Eczema and Eczematous conditions, \* \* \* for Burns, any degree; \* \* \* Palliative in Ulcerous conditions; \* \* \* Eruptive Eczemas; Furuncles"; (circular) "Chronic Non-Healing Ulcers, First Aid Anti-Pain Dressing, Burns—Any Degree, Eczema Hemorrhoids \* \* \* incorporates an assembly of constituents known to possess marked significance in the successful treatment of these specific conditions in which we limit its ability. \* \* \* ability to produce results in critical conditions. \* \* \* Anesthetic \* \* \* Pain Is A Significant Indication for H-U-S-K H-U-S-K provides the doctor with a means of assuring immunity from pain in any lesion or suffering attendant to any malignant or acute disintegration of the tissues. \* \* \* Ulcers Assuages suffering—Anti-Pain Dressing—Reconstructant. Apply direct by spreading on gauze. Confine limb snugly by wrapping with bandage above and below ulcer. Elevate limb in bed if possible. Boils Assures comfort—Hastens necrotic process—Promotes Perfect maturation—Establishes earliest compensation—Minimizes cicatrix inclination—Destroys staphylococcus. Apply thinly to pad as cataplasms and bandage on nodule twice daily until central slough (core) comes away. Burns Any degree—Subdues all pain \* \* \* Prevents excess of new (exuberant) tissue formation \* \* \* Reconstructant—Aborts complications. \* \* \* In large area burns warm the H-U-S-K container in water bath \* \* \* Wounds Powerfully aseptic \* \* \* Checks Hemorrhage \* \* \* Where H-U-S-K is employed surface wounds give earliest promise of satisfactory progress; are promptly rendered painless and heal without complication. (Punctures, deep cuts, etc., should be properly immunized by irrigation where blood effusion or aseptic handling of wound is uncertain.) Eczema \* \* \* Controls exudation. \* \* \* Hemorrhoids Removes congestive gripe—Stops itching—Arrests inflammation—Alleviates pain throb of internal piles with prolapse \* \* \* Fill into suitable size capsules, moisten slightly and in-

sert morning and night and directly after each evacuation. (Particularly effective in bleeding piles and dilated hemorrhoidal veins. Indicated in Prostatitis where severe vesical tenesmus is present associated with irritation and pain. \* \* \* Chronic Non-Healing Ulcers, Eczemas, Fissures (Rhagades) Bed Sores (Decubitus) Indolent Sores. Softens Crusts—Closes clefts in membrane \* \* \* Escharotic—Prevents slough \* \* \* Alleviates pain"; (leaflet) " \* \* \* for those disorders to which we limit its ability \* \* \*."

On October 19, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23298. Misbranding of Mentholated Chest Rub. U. S. v. 273 Jars of Mentholated Chest Rub. Default decree of condemnation and destruction.** (F. & D. no. 33425. Sample no. 6376-B.)

This case involved a drug preparation, the labeling of which contained unwarranted curative and therapeutic claims.

On September 6, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 273 jars of Mentholated Chest Rub at Newark, N. J., alleging that the article had been shipped in interstate commerce, on or about February 13 and February 20, 1934, by Hance Bros. & White, Inc., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Mentholated Chest Rub \* \* \* Packed for Independent Druggists' Alliance Distributing Company, Chicago, Ill."

Analysis showed that the article consisted of essential oils including menthol, camphor, and eucalyptol, incorporated in petrolatum.

The article was alleged to be misbranded in that the following statements on the jar label were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: "A very beneficial counter-irritant if used promptly for \* \* \* congestion \* \* \* sore throat, coughs, croup, tonsilitis, \* \* \* bronchitis, Catarrh, Asthma, \* \* \* Muscular rheumatism."

On October 24, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23299. Misbranding of Glenn's Sulphur Soap. U. S. v. 117 Cakes and 123 Cakes of Glenn's Sulphur Soap. Decrees of condemnation and destruction.** (F. & D. nos. 33458, 33459. Sample nos. 7348-B, 7349-B.)

These cases involved shipments of Glenn's Sulphur Soap, the labeling of which contained unwarranted curative and therapeutic claims.

On September 14, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 123 cakes of Glenn's Sulphur Soap at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about July 10, 1934, by the Century National Chemical Co., from Paterson, N. J., and charging misbranding in violation of the Food and Drugs Act as amended. On September 14, 1934, the United States attorney for the Eastern District of New York filed a libel against 117 cakes of the same product at Brooklyn, N. Y., which had been shipped in interstate commerce, by the Century National Chemical Co., from Paterson, N. J., on or about August 2, 1934, and which was also misbranded. The article was labeled in part: (Carton) "Glenn's Sulphur Soap \* \* \* Century National Chemical Co., N. Y."

Analysis showed that the article consisted essentially of sulphur (34 percent), soap (59 percent), perfume, and water.

The libel filed in the Southern District of New York charged that the article was misbranded in that the following statements in the labeling were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: (Display carton) "For Clear Skin"; (carton) "For Clear Skin \* \* \* has proven very efficacious in all conditions of the skin where sulphur is indicated \* \* \* For localized skin affections, \* \* \* For diseases of the skin covering a large surface of the body, \* \* \* [Similar statements in a foreign language]"; (circular) "For the External Application of Sulphur in the Treatment of Skin Affections. \* \* \* Many cases of chronic eczema, acne, and various scaly eruptions may frequently be greatly benefited

by its consistent use \* \* \* Used in the daily toilet it is an excellent detergent." The libel filed in the Eastern District of New York charged that the article was misbranded with respect to its curative or therapeutic effects, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

The Century Chemical Co. filed in the Eastern District of New York notice that it would not contest the case in that jurisdiction, and no claim or appearance was made in the other case. On October 10 and October 23, 1934, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**23300. Misbranding of Vapor Spray and Worm-A-Tonic. U. S. v. 22 Cans of Vapor Spray and 10 Cans of Worm-A-Tonic. Decree of condemnation. Products released under bond to be relabeled. F. & D. nos. 30745, 30746. Sample nos. 36392-A, 36393-A.)**

This case involved an interstate shipment of drug preparations, the labels of which contained unwarranted curative and therapeutic claims.

On July 20, 1933, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cans of Vapor Spray and 10 cans of Worm-A-Tonic at Plymouth, Mich., alleging that the article had been shipped in interstate commerce on or about March 24, 1933, by the Arcady Laboratories, from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of the samples showed that the Vapor Spray consisted essentially of two immiscible liquids (the lighter composed of eucalyptus oil and menthol, the heavier, of water), formaldehyde, compounds of potassium and manganese and gum; and that the Worm-A-Tonic consisted essentially of copper sulphate, iron sulphate, and plant drugs, including American wormseed, nux vomica, kamala, red pepper, ginger, areca-nut, and anise.

The articles were alleged to be misbranded in that the following statements appearing on the labels, regarding the curative or therapeutic effects of the articles, were false and fraudulent: (Vapor Spray) "For the flock treatment of poultry from baby chicks to adult birds, infested with common colds, roup, chicken pox, infectious bronchitis and similar ailments of the respiratory tract. \* \* \* Take badly infested birds in small room and spray them severally. It is very desirable to give the birds Arcady Worm-A-Tonic in conjunction with Arcady Vapor Spray to clear up any internal disturbances"; (Worm-A-Tonic) "Worm-A-Tonic for the flock treatment of poultry, from baby chicks to adult birds, infested with large round worms, tape worms, and similar complaints caused by internal parasites; for the prevention and control of coccidiosis; and for use as a tonic in restoring health and vigor in ailing flocks. \* \* \* Worming treatment \* \* \* Coccidiosis Treatment: For the prevention and control of coccidiosis \* \* \* Baby Chicks: Worm infection usually begins when chicks are about ten days old; as a worm preventative in baby chicks proceed as follows: Give two tablespoonfuls of Arcady Worm-A-Tonic to each gallon of drinking water for five consecutive days. \* \* \* For worm prevention. As a preventative for worm infection in birds from eight weeks to five months old." Misbranding of the Worm-A-Tonic was alleged for the further reason that the statement on the label, "Complies with pure food and drug law", was false and misleading.

On July 13, 1934, the Arcady Laboratories, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the products be released to the claimant upon payment of costs and the execution of a bond conditioned that they be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*



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